

AGENDA

**BOROUGH OF PEAPACK & GLADSTONE
REGULAR MEETING
OCTOBER 27, 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 October 13, 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 October 13, 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

William K. Mosca, Jr. – American Water Works Company, Inc., / Environmental Disposal Corp., Settlement

PETITIONS AND COMMUNICATIONS

REPORTS OF BOROUGH OFFICERS FOR THE MONTH OF

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

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

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

TAX COLLECTOR/CFO: August report has been filed with the Borough Clerk.

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

LAND USE BOARD: September 14, 2015 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: No minutes have been filed with the Borough Clerk.

OPEN SPACE COMMITTEE: No minutes have been filed with the Borough Clerk.

TRAILS ADVISORY COMMITTEE: April 1, 2015, 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. A RESOLUTION TO CANCEL THE UNEXPENDED BALANCES OF THE RESERVE FOR PRELIMINARY EXPENSES FOR THE KOMLINE RECREATIONAL FACILITIES IN THE AMOUNT OF \$7,212.75 AND THE RESERVE FOR PRELIMINARY EXPENSES FOR THE HIGHLAND AVENUE SIDEWALK PROJECT IN THE AMOUNT OF \$6,626 AND RETURN THE CANCELED BALANCE TO THE CAPITAL IMPROVEMENT FUND THE AMOUNT OF \$13,838.75
2. RESOLUTION TO CANCEL 2014 DRIVE SOBER OR GET PULLED OVER GRANT IN THE AMOUNT OF \$5,700 AND 2015 DRIVE SOBER OR GET PULLED OVER IN THE AMOUNT OF \$1,200
3. AUTHORIZING THE BOROUGH TO SUBMIT A GRANT APPLICATION FOR MUNICIPAL AID TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WILLOW AVENUE RESURFACING PROJECT (MA-2016-WILLOW AVENUE RESURFACING PROJECT-00704)
4. APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WILLOW AVENUE RESURFACING PROJECT (MA-2016-WILLOW AVE RESURFACING PROJECT-00704)
5. AUTHORIZING BOROUGH POLICE DEPARTMENT TO PARTICIPATE IN SOMERSET COUNTY PROSECUTOR'S OFFICE DWI PATROL SAFE PASSAGE GRANT
6. RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2015 BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) - 201 SOMERSET COUNTY PROSECUTOR'S OFFICE DWI PATROL SAFE PASSAGE GRANT IN THE AMOUNT OF \$400
7. Discussion on Tracking Escrow Accounts

SANITATION/SEWER: (Smith/Caminiti)

1. APPROVING STIPULATION OF SETTLEMENT BY AND AMONG AMERICAN WATER WORKS COMPANY, INC., ENVIRONMENTAL DISPOSAL CORP., THE NEW JERSEY DIVISION OF RATE COUNSEL, STAFF OF THE NEW JERSEY BOARD OF PUBLIC UTILITIES AND THE TOWNSHIPS OF BEDMINSTER, BERNARDS, THE BOROUGH OF FAR HILLS, AND PEAPACK & GLADSTONE
2. RESOLUTION TO CANCEL SEWER CHARGES ON BLOCK 20, LOT 1, 32 APGAR AVENUE, ACCOUNT #573-0

BOROUGH PROPERTY: (Corigliano/Smith)

1. Discuss “open gym” application for after school activities from the Recreation Commission.
2. An application has been received from the Recreation Commission for use of the Scout Cabin and Liberty Park and the gymnasium for the Santa Visit on Sunday, December 13 (snow date Sunday, December 19th).
3. Discuss window replacements in the Municipal Complex.
4. Review enrollment for field use application.

FIRE/INFORMATION SYSTEMS: (Simpson/Gunning)

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

POLICE: (Gunning/Suriano)

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

1. INTRODUCTION RESOLUTION

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

Discuss Pfizer’s offer of 30 volunteers to work in the Borough on any project to benefit the community. The volunteers will be available on November 17 or November 18 for several hours or half a day.

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.

EXECUTIVE SESSION

Litigation

ADJOURNMENT

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

A RESOLUTION TO CANCEL THE UNEXPENDED BALANCES OF THE RESERVE FOR PRELIMINARY EXPENSES FOR THE KOMLINE RECREATIONAL FACILITIES IN THE AMOUNT OF \$7,212.75 AND THE RESERVE FOR PRELIMINARY EXPENSES FOR THE HIGHLAND AVENUE SIDEWALK PROJECT IN THE AMOUNT OF \$6,626 AND RETURN THE CANCELED BALANCE TO THE CAPITAL IMPROVEMENT FUND THE AMOUNT OF \$13,838.75

WHEREAS, the Borough of Peapack & Gladstone did adopt Resolution No. 092-13, to reserve funds for preliminary expenses on the Komline Recreational Facilities project on July 23, 2013; and

WHEREAS, the Borough of Peapack & Gladstone did adopt Resolution No. 103-13, to reserve funds for preliminary expenses on the Highland Avenue Sidewalk project on October 22, 2013; and

WHEREAS, all purchases, projects, and agreements have been completed and there remains unexpended balances of \$7,212.75 on the Komline Recreational Facilities project, and \$6,626 on Highland Avenue Sidewalk project; and

WHEREAS, the funding for both reserves for preliminary expenses came from the Capital Improvement Fund (CIF);

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Peapack & Gladstone that the unexpended balances in the total amount of \$13,838.75 on Resolution Nos. 092-13 and 103-13 be cancelled and returned to the Capital Improvement Fund as follows :

<u>Ordinance</u>	<u>Purpose</u>	<u>Cancelled to / or Against</u>	<u>Amount</u>
092-13	Komline Recreational Facilities Project	Reserve for Preliminary Expenses	\$7,221.75
103-13	Highland Avenue Sidewalk Project	Reserve for Preliminary Expenses	\$ 6,626.00
Credit to Capital Improvement Fund			\$13,838.75

This Resolution shall be effective immediately upon proper adoption by the Borough Council.

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

Adopted: October 27, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

RESOLUTION TO CANCEL 2014 DRIVE SOBER OR GET PULLED OVER GRANT IN THE AMOUNT OF \$5,700 AND 2015 DRIVE SOBER OR GET PULLED OVER IN THE AMOUNT OF \$1,200

WHEREAS, there exists various Grant Receivables and Grant Appropriation balances on the Balance Sheet; and

WHEREAS, it is necessary to formally cancel the receivable balances and their offsetting appropriation balances from the Balance Sheet.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey that the following grant receivables and appropriation balances be cancelled:

	<u>Grant Receivable</u>	<u>Grant Appropriation</u>
2014 Drive Sober or Get Pulled Over Grant	\$ 5,700.00	\$ 5,700.00
2015 Drive Sober or Get Pulled Over Grant	<u>\$ 1,200.00</u>	<u>\$ 1,200.00</u>
	\$ 6,900.00	\$ 6,900.00

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

Adopted: October 27, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

AUTHORIZING THE BOROUGH TO SUBMIT A GRANT APPLICATION FOR MUNICIPAL AID TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WILLOW AVENUE RESURFACING PROJECT (MA-2016-WILLOW AVENUE RESURFACING PROJECT-00704)

WHEREAS, the Borough of Peapack & Gladstone requests to submit a grant application for 2016 Municipal Aid to the New Jersey Department of Transportation; and

WHEREAS, the Roads /Transportation Committee, in consultation with the Borough Engineer and Director of Public Works, has identified a need to resurface Willow Avenue so as to improve safety by providing a consistent driving surface; and

WHEREAS, the project consists of resurfacing Willow Avenue from the intersection of Main Street to 0.66 miles east; and

WHEREAS, the total project is estimated to cost \$205,269.25 (\$178,495 construction costs and \$26,774.25 engineering and inspection costs).

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

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

Adopted: October 27, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WILLOW AVENUE RESURFACING PROJECT (MA-2016-WILLOW AVE RESURFACING PROJECT-00704)

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Peapack & Gladstone formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Willow Ave Resurfacing Project-00704 to the New Jersey Department of Transportation on behalf of the Borough Of Peapack & Gladstone.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough Of Peapack & Gladstone and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Adopted: October 27, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

AUTHORIZING BOROUGH POLICE DEPARTMENT TO PARTICIPATE IN SOMERSET COUNTY PROSECUTOR’S OFFICE DWI PATROL SAFE PASSAGE GRANT

WHEREAS, the Somerset County Prosecutor’s Office has made available funds for its Safe Passage Grant providing Police Departments to conduct two four-hour DWI patrols between 8 p.m. October 30, 2015, and 4 a.m. November 1, 2015, in a reimbursed amount not to exceed of \$50 per hour per the officer; and

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

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

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

Adopted: October 27, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.118-15

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2015 BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) - 201 SOMERSET COUNTY PROSECUTOR'S OFFICE DWI PATROL SAFE PASSAGE GRANT IN THE AMOUNT OF \$400

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

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

NOW, THEREFORE, BE IT RESOLVED that the Borough of Peapack & Gladstone, County of Somerset, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2015 in the sum of \$400 as a revenue from

SOMERSET COUNTY PROSECUTOR'S OFFICE DWI PATROL SAFE PASSAGE GRANT

BE IT FURTHER RESOLVED that one certified copy of this resolution together with a certification from the Borough Treasurer that funds will be made available through a reimbursable grant from the Somerset County Prosecutor's Office filed with the Director of the Division of Local Government Services.

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

Adopted: October 27, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

APPROVING STIPULATION OF SETTLEMENT BY AND AMONG AMERICAN WATER WORKS COMPANY, INC., ENVIRONMENTAL DISPOSAL CORP., THE NEW JERSEY DIVISION OF RATE COUNSEL, STAFF OF THE NEW JERSEY BOARD OF PUBLIC UTILITIES AND THE TOWNSHIPS OF BEDMINSTER, BERNARDS, THE BOROUGH OF FAR HILLS, AND PEAPACK & GLADSTONE

WHEREAS, on April 29, 2015, American Water and EDC (collectively “Joint Petitioners”) filed a Verified Joint Petition (“Petition”) with the New Jersey Board of Public Utilities (“Board”) seeking approvals related to American Water’s proposed acquisition from The Hills Development Company (“Hills”) of all the shares of common stock of EDC, a public utility engaged in the collection and treatment of sewage generated within its service territory in portions of Bedminster and Bernards Townships and the treatment of sewage delivered to its treatment plant by the Township of Bedminster (from areas outside EDC’s franchise territory) and the Boroughs of Far Hills and Peapack & Gladstone (“the Transaction”); and

WHEREAS, the proposed Transaction is set forth in a Stock Purchase Agreement between American Water and Hills dated February 25, 2015, which provides that, subject to obtaining regulatory approvals and the satisfaction of certain other conditions, American Water shall acquire all of the outstanding capital stock of EDC, which will result in American Water’s acquisition of 100% control of EDC; and

WHEREAS, the Petition was served upon the Secretary of the Board, Rate Counsel, and the municipalities in which or to which EDC provides sewer service, the Townships of Bedminster and Bernards, and the Boroughs of Far Hills and Peapack & Gladstone; and

WHEREAS, as a result of the Transaction, EDC will become a direct subsidiary of American Water and continue to exist as a public utility subject to the jurisdiction and regulation of the Board. The Petition was filed pursuant to *N.J.S.A. 48:2-51.1*, which requires written Board approval for any person to acquire control of a public utility and *N.J.S.A. 48:3-10*, which requires Board approval for a public utility to transfer its stock to another corporation where the result of such transfer is to vest in such corporation a majority of the outstanding capital stock; and

WHEREAS, in addition, American Water sought: (i) authorization and approval of the journal entries necessary to record the accounting treatment of the Transaction; (ii) approval of American Water Works Service Company, Inc.’s (“AWWSC”) provision of management services to EDC on an interim basis with such costs being allocated according to the same methodology the Board has approved for similar costs to be allocated to New Jersey American Water Company (“NJ American”), and that a summary of such annual charges to EDC is reported in its Annual Report to the Board; and (iii) Board approval for EDC after Closing to enter into a financial services agreement with American Water Capital Corp. (“AWCC”) with

terms substantially similar to the terms of the Board-approved agreement between NJ American and AWCC; and

WHEREAS, American Water is not seeking any changes in EDC’s rates or terms of service to customers and has agreed that if the Transaction is consummated, **and EDC will not file a petition with the Board to increase rates to franchise customers or municipal bulk services customers for a period of five (5) years from the closing date.** American Water has further stated that it will honor EDC’s contract with Applied Water Management (“AWM”) for operation of the EDC sewer system and that it intends to negotiate an extension of said agreement; and

WHEREAS, the Borough of Peapack & Gladstone has reviewed the Petition, responses to discovery and has conducted and participated in the discussions in an effort to reach a proposed settlement of all issues in the proceeding; and

WHEREAS, all Parties have agreed to reasonably, fully and finally resolve all factual and legal issues in this matter by way of this Stipulation, including Bedminster Township.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Peapack & Gladstone that:

1. The terms and conditions of the Stipulation attached hereto are hereby approved and confirmed.
2. The Borough Council of the Borough of Peapack & Gladstone hereby authorizes William Mosca, Esq., to execute on behalf of the Township the Stipulation.
3. This resolution shall take effect immediately.

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

Adopted: October 27, 2015

DRAFT INTERIM AGREEMENT

Agreement dated XXXX, between **AMERICAN WATER WORKS SERVICE COMPANY, INC.**, a Delaware corporation (hereinafter "Service Company"), and **ENVIRONMENTAL DISPOSAL CORPORATION**, a New Jersey corporation (hereinafter "EDC").

The background of this Agreement is that:

1. Both Service Company and EDC are subsidiaries of American Water Works Company, Inc., a Delaware corporation (hereinafter "American").
2. EDC has been organized for and is presently engaged in the business of providing wastewater collection and treatment as a public utility in the State of New Jersey.
3. Service Company maintains an organization whose officers and employees are familiar with all facets of the water and wastewater utility business, including the development, business and property of EDC, and are experienced in the efficient management, financing, accounting and operation of water and wastewater utility properties and the extension and improvement thereof. The officers and employees of Service Company are qualified to aid, assist and advise EDC in its business operations through the services to be performed under this Agreement.
4. Service Company will provide administrative and operating services to EDC. Because EDC is of the opinion that it cannot obtain the same quality and diversification of services on a comparable economic basis elsewhere, it proposes to enter into an agreement with Service Company more specifically defining the types of services available to it.

5. Service Company has entered or proposes to enter into agreements similar to this agreement with other affiliated water and wastewater companies (hereinafter collectively "Water and Wastewater Companies").
6. The services to be rendered under this agreement are to be rendered by Service Company to Water and Wastewater Companies at their cost to Service Company, as hereinafter provided.

NOW, THEREFORE, in consideration of the premises and mutual agreements herein contained, EDC and the Service Company agree that:

ARTICLE 1. PERSONNEL AND SERVICES TO BE PROVIDED

1.1. During the term of this agreement and upon the terms and conditions hereinafter set forth, Service Company shall provide corporate guidance for EDC. In addition to the guidance provided by the officers and employees of Service Company through the coordination of functional activities for all subsidiaries of American, the officers and employees of Service Company shall furnish, and EDC shall purchase from Service Company, the following services: Accounting, Administration, Communication, Corporate Secretarial , Engineering, Financial, Human Resources, Information Systems, Operation, Rates and Revenue, Risk Management and Water Quality, together with such other services as EDC and Service Company may agree; provided, however, that EDC may perform the service with its own personnel or engage another company or person to provide those services on its behalf. Service Company, by mutual consent, may engage another Company or person to provide such services on its behalf.

1.2. Service Company shall employ qualified officers and employees and those persons shall be available for election by EDC to serve as officers of EDC.

1.3. Without limitation, services to be provided by the Service Company shall be rendered as follows:

- a) **Accounting:** Service Company shall assist in the preparation and implementation of accounting methods and procedures to determine that they conform fully to the requirements, rules and regulations of governmental authorities having jurisdiction and review EDC's monthly financial reports, annual reports and other reports to stockholders and to any governmental authorities. It shall advise and assist in the establishment and maintenance of current record keeping techniques; review accounting procedures, methods and forms; and evaluate systems of internal control for receipt and disbursement of funds, materials and supplies, and other assets. Service Company shall maintain accounting records as required by EDC. When appropriate, Service Company shall cooperate and consult with EDC's independent certified public accountants. Service Company shall assist in the preparation of operating and construction budgets and monitor the control over such budgets by comparing experienced costs to the projections. Service Company shall prepare or assist in the preparation of federal, state and local tax returns for, and to the extent required by, EDC.
- b) **Administration:** Service Company shall make qualified employees available to perform or assist in the performance of EDC's corporate activities. Those employees shall keep themselves informed on all aspects of EDC's operations and shall regularly visit EDC's facilities. They shall make recommendations to EDC for operating expenditures and for additions to and improvements of property, plant and equipment. They shall keep abreast of economic, regulatory, governmental and

operational developments and conditions that may affect EDC; and advise EDC of any such developments and conditions to the extent that they may be important to EDC. Service Company shall provide an internal audit staff for periodic audits of accounts, records, policies and procedures of EDC and submit reports thereon.

- c) **Communications:** Service Company shall recommend procedures to promote satisfactory relations with employees, customers, communities and the general public and assist in the preparation of communication materials, (including press releases, brochures, audio visual presentations and speeches), plant tours, public exhibits and displays and other related services to inform the public.
- d) **Corporate Secretarial:** Service Company shall maintain, in such places and manner as may be required by applicable law, documents of EDC, such as minute books, charters, by-laws, contracts, deeds and other corporate records, and shall administer an orderly program of records retention. It shall maintain, or arrange for the maintenance of, records of stockholders of EDC, prepare or arrange for the preparation of stock certificates, perform duties relating to the transfer of stock and perform other corporate secretarial functions as required including preparation of notices of stockholder and director meetings and the minutes thereof. Service Company shall review and may assist in the preparation of documents and reports required by EDC such as deeds, easements, contracts, charters, franchises, trust indentures and regulatory reports and filings.
- e) **Engineering:** Service Company shall advise and provide engineering services to assist EDC in planning for, operating, maintaining and constructing its facilities. It shall conduct distribution system surveys and hydraulic analyses and prepare or

review maps, charts, operating statistics, reports and other pertinent data. It shall assist EDC in the proper maintenance and protection of EDC properties by periodic inspection of its structures, tanks, reservoirs, dams, wells and electrical and mechanical equipment. The engineering services provided by Service Company shall also include the conduct of field investigations as necessary to obtain engineering information and, when required, the preparation of studies, reports, designs, drawings, cost estimates, specifications, and contracts for the construction of additions to or improvements of EDC's source of supply, treatment plant, pumping stations, distribution system, and such other facilities as EDC may request. Service Company shall provide a Materials Management Program to arrange for the purchase of equipment, materials, and supplies in volume on a basis advantageous to EDC and assist in the evaluation of new and existing products and application procedures.

- f) **Financial:** Service Company shall assist in the development and implementation of financing programs for EDC, including the furnishing of advice from time to time on securities market conditions and the form and timing of financing; advise concerning arrangements for the sale of its securities; and assist in the preparation of necessary papers, documents, registration statements, prospectuses, petitions, applications and declarations. It shall prepare reports to be filed with, and reply to inquiries made by, security holders and bond and mortgage trustees. Service Company shall assist EDC in cash management including arrangements for bank credit lines, establishment of collection policies, and development of temporary investment programs. Service Company shall provide assistance to EDC in the preparation of all financial reports.

- g) **Human Resources:** Service Company shall assist in obtaining qualified personnel for EDC; in establishing appropriate rates of pay for those employees; and in negotiating with bargaining units representing EDC employees. It shall carry out training programs for the development of personnel and advise and assist EDC regarding personnel. It shall also advise and assist EDC in regard to group employee insurance, pension and benefit plans and in the drafting or revising of those plans when required. It will keep EDC apprised of all employment laws and develop procedures and controls to assure compliance.
- h) **Information Systems:** Service Company shall make available to EDC electronic data processing services. Those services shall include customer billing and accounting, preparation of financial statements and other reports including those required by federal and state agencies.
- i) **Operation:** Service Company shall develop and assist in the implementation of operating procedures to promote efficient and economic operation of EDC. Periodic operational reviews will be performed by Service Company personnel and any deviations from adopted procedures will be reported to EDC.
- j) **Rates and Revenue:** Service Company personnel shall make recommendations for changes in rates, rules and regulations and shall assist EDC in the conduct of proceedings before, and in its compliance with the rulings of, regulatory bodies having jurisdiction over its operation. These personnel shall keep abreast of economic and regulatory developments and conditions that may affect EDC; and advise EDC of any such developments and conditions to the extent that they may be important to EDC. Rates and Revenue personnel shall assist in the preparation

of rate filings or applications and the supporting documents and exhibits requested or required by the EDC and its respective regulatory commission. Service Company shall also provide qualified personnel to testify on EDC's behalf as required during any regulatory proceedings.

k) **Risk Management**: Service Company shall provide a Risk Management Program to review the exposures to accidental loss of EDC, recommend efficient methods of protection either through the purchase of insurance, self-insurance or other risk management techniques and arrange for the purchase of insurance coverage. It shall also supervise investigation procedures; review claims; and negotiate and assist in, evaluate proposals for, settlement at the request of EDC. It shall assist in the establishment of safety and security programs to avoid or minimize risk and loss.

l) **Water Quality**: Service Company shall assist EDC in complying with standards of governmental agencies and establish and attain the water quality objectives of EDC. It shall assist in providing design criteria for processes, coordinating with public agencies, developing approaches and solutions to water quality problems, and providing technical assistance and general direction for Water and Wastewater Company personnel. It shall also provide laboratory services for programmed analyses as required by drinking water regulations, and special analyses as required by EDC.

ARTICLE II.

PAYMENT FOR SERVICES

2.1. In consideration for the services to be rendered by Service Company as hereinabove provided, EDC agrees to pay to Service Company the cost thereof determined

as provided in this Article II and in Article III.

2.2. All costs of service rendered by Service Company personnel for EDC or in common with other Water and Wastewater Companies shall be charged to EDC based on actual time spent by those personnel as reflected in their daily time sheets or other mutually acceptable means of determination.

2.3. All costs of Service Company incurred in connection with services rendered by Service Company which can be identified and related exclusively to EDC, shall be charged directly to EDC.

2.4. All costs incurred in rendering services to EDC in common with similar services to other Water and Wastewater Companies which cannot be identified and related exclusively to services rendered to a particular Water and/or Wastewater Company, shall be allocated among all Water and Wastewater Companies so served, or, in the case of costs incurred with respect to services rendered to a particular group of Water and/or Wastewater Companies, among the members of such group, based on the number of customers served at the immediately preceding calendar year end.

2.5. Cost for support personnel (secretaries, clerical personnel, clerks, messengers, telephone operators, mail clerks, and other incidental support personnel of the Service Company) as well as the cost of lease payments, depreciation, utilities and other costs associated with leasing office space and equipment by Service Company shall be allocated among the Water and Wastewater Companies on the basis of the proportion of the aggregate cost allocated under Sections 2.3 and 2.4.

ARTICLE III.

ALLOWANCE FOR OVERHEAD

3.1. In determining the cost to be assessed by Service Company for the rendering of services to EDC as herein provided, there shall be added to the salaries of all officers and employees for whose services charges are to be made, a percentage sufficient to cover the general overhead of Service Company, as defined below, properly allocable thereto. Such percentage shall be calculated each month and shall be the ratio of the total general overhead of the Service Company for the month to the total salaries of the employees for whose service charges are to be made to the Water and Wastewater Companies. No general overhead of Service Company shall be added to costs incurred for services of non-affiliated consultants employed by Service Company.

3.2. The term "general overhead" shall include:

- a) pension and insurance premiums paid for the benefit of Service Company employees,
- b) legal and other fees for services rendered to the Service Company,
- c) taxes,
- d) other general office supplies and other similar expenses, and
- e) interest on working capital.

ARTICLE IV. BILLING PROCEDURES AND BOOKS AND RECORDS

4.1. As soon as practicable after the last day of each month, Service Company shall render a bill to EDC for all amounts due from EDC for services and expenses for such month plus an amount equal to the estimated cost of such services and expenses for the current month, all computed pursuant to Articles II and III. Such bill shall be in sufficient detail to show separately the charge for each class of service rendered. All amounts so billed

shall reflect the credit for payments made on the estimated portion of the prior bill and shall be paid by EDC within a reasonable time after receipt of the bill therefore.

4.2. Service Company agrees to keep its books and records available at all times for inspection by representatives of EDC or by regulatory bodies having jurisdiction over EDC.

4.3. Service Company shall at any time, upon request of EDC, furnish any and all information required by EDC with respect to the services rendered by Service Company after the agreement becomes effective. This agreement shall continue in full force and effect until terminated by either of the parties hereto giving the other party hereto ninety days' notice in writing; provided, however, that this agreement shall terminate as of the date EDC or Service Company ceases to be an affiliate of American.

IN WITNESS WHEREOF, Service Company and EDC have caused this agreement to be signed in their respective corporate names by their respective Presidents or Vice Presidents, and impressed with their respective corporate seals attested by their respective Secretaries or Assistant Secretaries, all as of the day and year first above written.

sewer 2

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

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

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

WHEREAS, a sewer billing in the amount of \$132.50 for the 2015 3rd 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 3rd quarter sewer charges in the amount of \$132.50 are hereby cancelled against Block 20, Lot 1, Account #573-0 and the Tax Collector is relieved of the collection of same.

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

Adopted: October 27, 2015

police 1

**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) sergeants,~~ **and** up to eight (8) patrol officers **and special police officers as permitted by law and such other employees necessary to operate the Department as determined by the Mayor and Council.** Patrol officers may be assigned as regular patrolmen, ~~detectives, or corporals at the discretion of the Chief of Police~~ **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. The Mayor and Council reserve the right, at their sole discretion, to eliminate the titles of corporal and/or detective. 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 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 ~~Borough Administrator~~ **Appropriate Authority** for the **efficiency and** routine day-to-day operations thereof. **The Chief shall work 40 hours per week.** Subject to such rules and regulations as are established by the ~~Mayor and Borough Council,~~ **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. **Supervise subordinate officers through mentoring, training, guidance and counsel to improve the skills and performance of subordinate officers,**
- d e 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 f 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 g Recommend such policies, procedures and manuals as deemed appropriate.
- g h Report at least monthly to the ~~Borough Administrator and Police Committee~~ **Appropriate Authority** in such forms as shall be required regarding the administrative and business functions and operations of the Department.
- h i Provide monthly schedule of activities for the Chief and other officers.
- i j 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 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; and**
- i. **Supervises subordinate officers**
(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)

2-31.68 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~~ **j**, 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)

2-31.79 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)

2-31.810 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)

2-31.911 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)

2-31.1012 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)

2-31.1113 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)

2-31.1214 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)

2-31.1315 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)

2-31.1416 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 p~~**P**~~romotion to the position of Lieutenant or Chief of Police shall take a written and oral~~ **be made by the Mayor and Council following** examination ~~for that particular position, administered and graded by an independent entity designated by the Police Committee. Officers who have served at least three (3) years in the Peapack and Gladstone Police Department shall be eligible for consideration .~~

c. The examination shall consist of a written examination given by the State Chiefs of Police Association, an oral examination given by at least three (3) members of the State Chiefs of Police Association, and an interview by the Mayor and Council. Additional consideration shall be given to education, discipline, supervisory experience, and attendance based upon a review of the candidate's personnel file and work history in Peapack and Gladstone.

1. The examination process totaling 100% shall be scored as follows:

a. The written examination shall be worth 20% of the candidate's score;

b. the oral examination shall be worth 20% of the candidate's score;

c. a bachelor's degree (120 credits) in criminal justice or related field shall be worth 10% or, but not both, an associate's degree (or 60 credits towards a bachelor's degree) shall be worth 5%;

d. supervisory experience shall be worth 10%;

e. absence of sustained discipline shall be worth 10%; and

f. work attendance history shall be worth 10%.

d Those candidates ~~suecessfully passing all examinations~~ receiving a score of at least 65% on the criteria set forth in c.1 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~~ Interest in Peapack and Gladstone.
6. ~~Employment history, including job evaluations, disciplinary record, attendance and community contributions.~~ Future vision for the Police Department.
7. ~~Educational background.~~ Future vision for the Borough, the community, and the residents.
8. ~~Results of written and oral examinations.~~ Results and scoring of the criteria set forth above in paragraph c.

d e The interview by the Mayor and Council shall be worth the final 20% of the candidate's score. The Mayor and Borough Council shall rank the applicants during the interview based on all of these factors set forth in paragraph d. above, 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.~~ The candidate's score will then be added to the score from the criteria in paragraph c. Candidates shall be ranked on the promotional list for Chief of Police in order of score. Following the completion of the examination process, the Mayor and Council shall appoint the top ranked candidate as the Chief of Police, subject to paragraph f. below. ~~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 f 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 g In the event that the foregoing procedures fail to result in filling of ~~any~~ **the Chief's** 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 h **Except for the Chief of Police,** ~~T~~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. Alternatively, the Borough, in its sole discretion, may conduct a new examination consistent with paragraphs a, b, c, d, e, and f. above.

h i Candidates for a promotion to the position of Sergeant shall also be governed by paragraphs a, b, c, e, f, and g. above. ~~However~~ **T**he provisions of **Article 18 of the PBA Contract in force at the time the promotional opportunity is announced shall be followed through a posting of the promotional opportunity, together with this ordinance** supersede ~~paragraph d. of this subsection.~~

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

2-31.1517 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)

2-31.1618 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)

2-31.1719 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: October 27, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

RESOLVED that the annexed:

Police Organization

ORDINANCE is introduced and that the Clerk now reads publicly the title of the same as follows:

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

BE IT FURTHER RESOLVED, that the said pending ordinance be passed on first reading and advertised as required by statute fixing November 10, 2015, at 7:30 p.m. prevailing time on said day as the time and the Council Meeting Room at 1 School Street, Peapack NJ as the place for hearing and final action.

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.

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

Adopted: October 27, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Peapack and Gladstone that in compliance with N.J.S.A. 10:4-7 et seq, this meeting will be closed to the public to discuss the following matters:

- **PERSONNEL**

The matters considered in this Executive Session can be released to the public when the reasons for discussing and acting on it in closed session no longer exist.

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

Adopted: October 27, 2015