



**MAYOR & COUNCIL
THE BOROUGH OF PEAPACK & GLADSTONE,
BOROUGH COUNCIL MEETING AGENDA
NOVEMBER 12, 2019**



7:00 PM - EXECUTIVE SESSION

7:30 PM – REGULAR MEETING

Location: Borough Hall Council Chambers, 1 School St. Peapack, NJ 07977

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

1. CALL TO ORDER

2. SUNSHINE NOTICE – *Municipal Clerk reads the following statement:*

“Pursuant to the Open Public Meetings Act, Adequate notice of 2019 Meeting Dates was published in the Courier News and Bernardsville News on December 13, 2018 and posted at the Municipal Complex and the Borough Library. Action may be taken.”

3. FLAG SALUTE

4. ROLL CALL

5. EXECUTIVE SESSION – RESOLUTION NO. 175-19 – *Authorization for Executive Session for Certain Specified Purposes – (1) Contract Negotiations – (a) Affordable Housing*

6. PUBLIC COMMENTS: 5 MINUTES PER PERSON – NON-AGENDA ITEMS

It is the policy of the Borough Council that all public comments on an issue shall be limited to five (5) minutes per person. Comments may be made on any Non-Agenda subject pertaining to Borough issues. Comments pertaining to Public Hearings should be saved for that section of the agenda. No debating between residents. Comments should be addressed to Mayor and Council at the public microphone.

7. READING AND APPROVAL OF MINUTES

Regular Meeting October 22, 2019

Executive Session Meeting October 22, 2019



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8. ORDINANCES

PUBLIC HEARING FOR ORDINANCE 1081-2019 – *An Ordinance to Amend and Supplement Chapter XXIII, Article IX, Titled “Affordable Housing”*

PUBLIC HEARING FOR ORDINANCE 1082-2019 – *An Ordinance Amending Chapter II, Titled “Administration”, Article V, Titled “Boards, Committees and Commissions” of the Revised General Ordinances of the Borough of Peapack and Gladstone, County of Somerset, State of New Jersey, by Providing for the Creation of a Community Emergency Response Team (CERT)*

PUBLIC HEARING FOR ORDINANCE 1083-2019 – *An Ordinance of the Borough of Peapack and Gladstone Requiring Background Checks on all Adult Volunteers Seeking to Participate in Borough Programs or Events Which Involve Minors*

INTRODUCTION OF ORDINANCE 1084-2019 – *An Ordinance Appropriating Certain Monies Held by the Borough of Peapack and Gladstone for the purchase of Digital Speed Signs*

INTRODUCTION OF ORDINANCE 1085-2019 – *An Ordinance Amending Chapter XV, Titled “Streets and Sidewalks” of the Revised General Ordinances of the Borough of Peapack and Gladstone, County of Somerset, State of New Jersey, By Providing for the Recovery of Costs of Cleanup of Hazardous Materials*

9. OLD BUSINESS

10. NEW BUSINESS

11. MISCELLANEOUS DISCUSSION/APPROVALS

- *Donation of Block 1, Lot 5.03(1.9 acres) to the Borough*

12. RESOLUTIONS

RESOLUTION NO. 176-19 – *Resolution Accepting a Resignation Letter from Michael Calafiore, Special Class II Police Officer*

RESOLUTION NO. 177-19 – *Resolution Calling for Study Commission to Review the Open Public Records Act*



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13. BILLS LIST

Resolution No. 178-19 – *Approval of Bills as signed and listed on the Bill Payment List*

Total Amount: \$1,029,268.04

14. PUBLIC COMMENTS – 3 MINUTES PER PERSON – AGENDA ITEMS ONLY

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

15. EXECUTIVE SESSION – RESOLUTION NO. 175-19 (IF NEEDED) – Authorization for Executive Session for Certain Specified Purposes – (1) Contract Negotiations – (a) Affordable Housing

16. ADJOURNMENT

**THE NEXT MEETING OF THE MAYOR & COUNCIL WILL BE HELD ON
TUESDAY, NOVEMBER 26, 2019 AT 7:30PM**

RESOLUTION

BOROUGH OF PEAPACK & GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 175-19

TITLE: AUTHORIZATION FOR EXECUTIVE SESSION FOR CERTAIN SPECIFIED PURPOSES

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Peapack & 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:

1. Contract Negotiations – (a) Affordable Housing

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				
		Amy Dietrich				
		Jamie Murphy				
		Royal Smith				
		John Sweeney				

IT IS HEREBY CERTIFIED THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PEAPACK & GLADSTONE AT A MEETING OF SAID COUNCIL HELD ON NOVEMBER 12, 2019.

NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR

RESOLUTION

BOROUGH OF PEAPACK AND GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 176-19

TITLE: RESOLUTION ACCEPTING A RESIGNATION LETTER FROM MICHAEL CALAFIORE, SPECIAL CLASS II POLICE OFFICER

WHEREAS, Borough employee Michael Calafiore tendered a letter of resignation effective October 25, 2019 leaving his position of Special Class II Police Officer; and

NOW, THEREFORE BE IT RESOLVED that the Mayor and Borough Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey accept the letter of resignation from Michael Calafiore and wish him well in his future endeavors.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Jamie Murphy				
		Royal Smith				
		John Sweeney				

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NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR

RESOLUTION
BOROUGH OF PEAPACK & GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 177-19

TITLED: RESOLUTION CALLING FOR STUDY COMMISSION TO REVIEW THE OPEN PUBLIC RECORDS ACT

WHEREAS, the Borough of Peapack and Gladstone strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Borough of Peapack and Gladstone has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Borough of Peapack and Gladstone received and responded to 164 OPRA requests in 2017, 189 OPRA requests in 2018, and to date has received and responded to 182 OPRA requests as of September 1, 2019; and

WHEREAS, the Borough of Peapack and Gladstone municipal staff has spent approximately 280 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 450 hours since 2017; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Peapack and Gladstone must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees of approximately \$1,700.00 in response to OPRA requests in 2017, \$3,500.00 in response to OPRA requests in 2018, and currently has spent \$1,000.00 in response to OPRA requests in 2019; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever-increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Peapack and Gladstone appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission’s findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assemblymen John DiMaio and Erik Peterson, Senator Michael Doherty, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		GianPaolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Jamie Murphy				
		Roy Smith				
		John Sweeney				

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NANCY A. BRETZGER
BOROUGH CLERK

GREGORY SKINNER
MAYOR

RESOLUTION

BOROUGH OF PEAPACK & GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 178-19

Payment of Claims (Posted)

WHEREAS, The Borough Council of the Borough of Peapack & Gladstone has received bills to be paid as listed; and

WHEREAS, The Chief Financial Officer and the Borough Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Borough, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills;

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

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Borough Officials are authorized to sign the checks.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
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		Royal Smith				
		John Sweeney				

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NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR