



**MAYOR & COUNCIL
THE BOROUGH OF PEAPACK & GLADSTONE,
BOROUGH COUNCIL MEETING MINUTES
SEPTEMBER 12, 2017**



The regular meeting of the Mayor and Council of the Borough of Peapack & Gladstone was held on Tuesday, September 12, 2017 at the Municipal Complex, 1 School Street, Peapack, New Jersey and began at 7:30PM.

Council President Suriano called the meeting to order. Borough Clerk Nancy A. Bretzger read the Sunshine Notice "Pursuant to the Open Public Meetings Act, Adequate notice of 2017 Meeting Dates was published in the Courier News and Bernardsville News on December 22, 2016, and posted at the Municipal Complex and the Borough Library. Action may be taken."

Council President Suriano lead the Pledge of Allegiance.

Roll Call indicated the following present:

Present: Council President Suriano, Councilman Corigliano, Councilman Simpson, Councilman Smith

Councilman Lemma arrived at 7:58pm

Absent: Mayor Muller, Councilman Caminiti

Also present were: Mr. John Bruder, Esq., Borough Attorney and Nancy A. Bretzger, Borough Clerk

EXECUTIVE SESSION

Resolution No. 142-2017 – Authorization for Executive Session for Certified Specified Purposes – Personnel was read. Motion was made by Councilman Lemma, seconded by Councilman Smith. Said motion was carried unanimously.

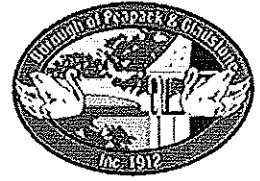
The public portion of the meeting was opened again at 7:30pm.

PUBLIC COMMENTS – 5 MINUTES PER PERSON – NON-AGENDA ITEMS

Ken Tiger – St. Johns Drive – Mr. Tiger explained that he is here to discuss a resident doing construction on their own property. He stated that the Borough Ordinance 23-59.2 prohibits times and practices. He read a portion of the ordinance regarding no work is allowed to be done on Sunday's. He would like to know who will be enforcing this ordinance. He states that he has lost a lot of quality time with his family that he will not be able to get back using his backyard and pool. Councilman Corigliano stated that it should be handled with the Zoning Officer. He stated that he has filed a complaint with the Courts against his neighbor and the Prosecutor has them attending a mediation session.



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ORDINANCES

Council President Suriano moved to Open the Public Hearing for **Ordinance 2017-1043** – An Ordinance for Use of Borough Recreational Facilities in Peapack and Gladstone, seconded by Councilman Smith. Said motion was carried unanimously.

Mr. Simon- 7 Pfizer Drive, Gladstone – Mr. Simon stated that he has coached more basketball in this town than anyone he knows at this time. He stated that he is in complete support of this ordinance. The only concern he has is to do with the minimum age without adult supervision. He thinks that the age of 16 is not young enough. He explained that the Borough is in a unique place here with being part of a regional school district. Most kids finish playing recreational sports around the age of 13 & 14, he explained that a lot of children in the community have other interests or they feel that they can't play on a varsity team. You will have kids coming home with nothing to do and of course you should have indemnification signed by the parents. He feels children ages 14 & 15 should be considered to use the gym without adult supervision.

Council President Suriano asked how the Council came up with the age of 16. Mr. Bruder stated that there was discussion with the risk manager and they stated for insurance purposes, that anyone under the age of 16 can use the gym with adult supervision.

Council President Suriano asked what the determination would be of a special use. Councilman Simpson stated that it would be determined by the Administrator. He also stated that there is still the requirement to fill out a property use application.

Councilman Corigliano moved to Close the Public Hearing for Ordinance 2017-1043 – An Ordinance for Use of Borough Recreational Facilities in Peapack and Gladstone, seconded by Councilman Smith. Said motion was carried unanimously.

Councilman Corigliano moved to Adopt Ordinance 2017-1043 – An Ordinance for Use of Borough Recreational Facilities in Peapack and Gladstone, seconded by Councilman Smith. Said motion was carried unanimously.

Councilman Simpson moved to Open the Public Hearing for **Ordinance 2017-1044** – An Ordinance Amending Portions of Chapter XXIII, Article IV, Titled "Land Development Ordinance" of the Revised General Ordinances of the Borough of Peapack and Gladstone Permitting a Residential Housing Community on Certain Lands in the ORL and RR-5 Zoning Districts, seconded by Councilman Corigliano. Said motion was carried unanimously.

Mr. Simon on behalf of Herold Law firm clients who own property within the boundaries of the changes incorporated in this ordinance. Mr. Simon stated that the changes being suggested must meet 4 components of the Land Use regulations of the state.

This ordinance currently fails to meet any one of the 4 criteria that is required. The first of which these changes are not part of the Master Plan or the Master Plan report. There was a Master plan



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amendment in 2005 and this was not part of this at that time. There has been no traffic analysis completed to date which is stated in the master plan amendment of 2005.

Mr. Simon explained that secondly there was not proper notice. He states that the notice needed to be made to all of the property owners within a 200-foot radius of the proposed zoning changes. It was not provided to those residents within that area.

Council President Suriano asked the Borough Clerk if the notices were sent to the residents within the 200-foot radius. The Borough Clerk stated that she did not think the notices had been sent out.

Council President Suriano stated that Mr. Simon should not proceed with his testimony and that this Ordinance would be tabled until further notice.

Council President Suriano moved to Close the Public Hearing for Ordinance 2017-1044 – An Ordinance Amending Portions of Chapter XXIII, Article IV, Titled “Land Development Ordinance” of the Revised General Ordinances of the Borough of Peapack and Gladstone Permitting a Residential Housing Community on Certain Lands in the ORL and RR-5 Zoning Districts, seconded by Councilman Smith. Said motion was carried unanimously.

Council President Suriano stated that Ordinance 2017-1044 – An Ordinance Amending Portions of Chapter XXIII, Article IV, Titled “Land Development Ordinance” of the Revised General Ordinances of the Borough of Peapack and Gladstone Permitting a Residential Housing Community on Certain Lands in the ORL and RR-5 Zoning Districts would be TABLED until further notice.

OLD BUSINESS

Council President Suriano stated that the National MS Society Bike Tour on Saturday, September 16, 2017 have agreed to all the requests of the Council. Councilman Simpson explained that he reached out to the person in charge of this event and the committee had no problem with the Councils requests.

NEW BUSINESS

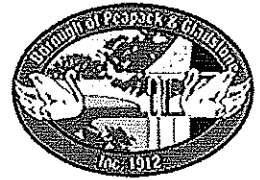
Resolution No. 143-2017 Authorizing Execution of an Agreement with the Morris County Cooperative Pricing Council to Renew Membership Therein for the Period of October 1, 2016 through September 30, 2021 was read. Motion was made by Council President Suriano, seconded by Councilman Smith. Said motion was carried unanimously.

Resolution No 144-2017 Approve Special Event Liquor License to Essex Fox Hounds was read. Motion was made by Council President Suriano, seconded by Councilman Smith. Said motion was carried unanimously.

Resolution No 145-2017 To Appoint Zoning Officer and Rental Housing Inspector was read. Motion was made by Councilman Lemma, seconded by Councilman Corigliano.



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Councilman Corigliano explained that the council had received a resignation from the Zoning Officer, the Rental Housing Inspector has been out on disability since he fell at his home. He explained that they had reached out to Bedminster to see if there was some chance of doing shared services for this position.

Bedminster uses this firm for their zoning. They do not have a Rental Housing Inspector. After discussions with this firm, they are willing to do this on a trial basis until the end of the year. Council President Suriano states that he does not see any cap on the hours for the firm in regards to Zoning Official and the Housing Rental Inspector. There was discussion amongst the Council regarding the hours that would be needed as well as what line item the payment would be coming from since this would now be vouchered and not a salaried employee. It was decided by the Council to put a maximum in the resolution within the 5th Whereas to maximum of 6 hours per week for the Zoning Officer and changing the start date to September 25, 2017. And in the 6th Whereas to maximum of 8 hours for the Housing Rental Inspector and changing the start date to September 25, 2017. It is stated in their agreement that it will be initially 4 hours per week and with the authorization of the Administrator it can reach the maximum hours stated in the resolution.

Council President Suriano asked for a roll call vote, Council President Suriano voting NO and the others voted Affirmative. Said motion was passed.

Resolution No 146-2017 Approval to Dismiss Sewer Charges for Somerset County Garages, Block 29, Lot 1 was read. Motion was made by Councilman Corigliano, seconded by Councilman Lemma. Said motion was carried unanimously.

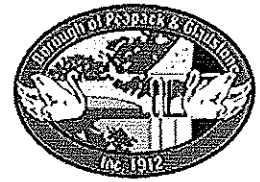
Resolution No 147-2017 Resolution Authorizing Municipal Alliance Grant for Fiscal Year 2017-2018 was read. Motion was made by Councilman Simpson, seconded by Councilman Smith. Said motion was carried unanimously.

Resolution No 149-2017 Award of Contract – Landscape Architect for Improvements to Liberty Park was read. Motion was made by Councilman Smith, seconded by Councilman Simpson.

Councilman Smith stated that this is a logical follow up to the resolution at the last meeting for Princeton Hydro for the Letter of Interpretation for Liberty Park. Once the letter is received Carter Van Dyke will begin. Council President Suriano stated that he is not sure what fund that this should come from. He said there are 3 different funds that it could be charged against. They are Ordinance 947 which is for improvements to Liberty Park Pond, the Open Trust Fund or the Capital Improvement Fund. There was discussion amongst the Council as to what fund should be used. Council President said that because of the wording on the Ordinance saying it was for the pond he does not feel it could come from there. He stated he will be meeting with the Open Trust Advisory Committee next week and he will discuss with them using it from this fund. If it is used from the Capital Improvement Fund an ordinance would need to be completed for the use of the funds. It was decided to add to the resolution in the 6th Whereas – is to be funded from either Ordinance 947 – Improvements to Liberty Park Pond, Open Space Trust Fund or the Capital Improvement Fund and the determination will be made by the finance committee.



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Council President Suriano asked for a roll call vote and said motion was carried unanimously.

MISCELLANEOUS DISCUSSION/APPROVALS

Approval of Road Closures of Park Avenue and Lackawana Ave. to Beval's from 8:00am to 4:30pm for Art in the Park on September 17, 2017. Council President Suriano asked all in favor? All answered yes - Any opposed? Said motion was carried unanimously.

Approval of Road Closures of Park Avenue and Lackawana Avenue and use of Municipal Bathrooms on September 23, 2017 for Peapack & Gladstone Fire Department for Car Show. Council President Suriano asked all in favor? All answered yes - Any opposed? Said motion was carried unanimously.

Letter received from Comcast regarding Renewal of Franchise Agreement – Council President Suriano asked if everyone had read the letter received, he stated that the Franchise agreement ends July 9, 2020. Councilman Corigliano explained that he has a few comments that need to be brought up during renegotiations, (1) free internet service to the Municipal Building, Town Garages and continue free service to the Fire House (2) clean up the cabling wiring throughout the town (3) free public Wi-Fi for the parks. Councilman Simpson made note that in the last negotiations he remembered that there was some type of public notice or hearing required. Council President Suriano asked the Borough Clerk to call Comcast and find out the requirements for the renegotiation.

Letter to NJ State Department of Agriculture re: 'Right to Farm Act' – Beekeepers - Councilman Corigliano stated that the Mayor and himself have been in contact with a resident regarding this. He gave credit to Therese White for spearheading this concern. One of the recommendations that she received was for the Borough to send a letter to the Department of Agriculture that are making these changes to the laws. The Mayor has written a letter to the State and it will be sent to the persons within the Department of Agriculture.

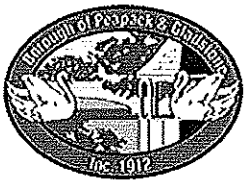
BILLS LIST

Resolution No. 148-2017 Approval of Bills as signed and listed on the Bill Payment List in the amount of \$271,768.80 was read. Motioned by Council President Suriano, seconded by Councilman Simpson. Said motion was carried unanimously.

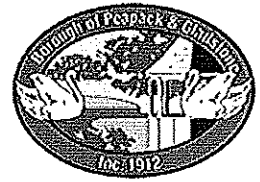
Council President Suriano asked the Fire Department why there was a \$6,000 invoice for maintenance on the sirens. The fire department stated that this was a OEM expense.

PUBLIC COMMENTS – 3 MINUTES PER PERSON – AGENDA ITEMS ONLY

Therese White -12 Highland Drive, Gladstone – Mrs. White stated that the State has preempted any beekeeping rules. The bees were allowed in agriculture areas. She stated that she has been down to Trenton very many times regarding this issue. At the end of July some rules were put forth for people having beehives on residential property (non-agriculture areas). The rules stated how many beehives



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can be on residential property and the number was based on the size of the property. The beekeepers lobbied the Department of Agriculture and the rules were pulled and any further comments and discussion was held. She feels the Borough needs to be come involved because the municipalities need to be able to monitor beekeeping practices within their own town. Mrs. White said the Land Use Board should be reading up on these new laws and making their comments to the state. They will be who will be issuing variances and making waivers for those wanting to be beekeepers. Council President Suriano stated that this is an important topic and he will discuss with the Mayor.

Councilman Lemma stated that Finpro which is located on Rt. 206 has made an appeal of their sewer charges. The request is due to the fact that the water usage for the time period was because they had new landscaping done and it had to be watered continually in the beginning. There was discussion amongst the council regarding whether there is a policy set for the Borough on such waivers or if a policy should be set. Councilman Smith thinks that there is inconsistency in determining these waivers.

It was mentioned that this request is unusual because they are a corporation not residential and corporate is billed differently for their water. Councilman Lemma said that the sewer committee will discussed and come up with a decision.

EXECUTIVE SESSION

It was determined that it was not needed to go back into Executive Session at this time.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Councilman Smith, seconded by Councilman Simpson, that this meeting be adjourned at 9:13pm. This motion was carried unanimously.

Respectfully Submitted,

Nancy A. Bretzger, Borough Clerk