



**MAYOR & COUNCIL
THE BOROUGH OF PEAPACK & GLADSTONE,
BOROUGH COUNCIL MEETING MINUTES
NOVEMBER 21, 2017**



The regular meeting of the Mayor and Council of the Borough of Peapack & Gladstone was held on Tuesday, November 21, 2017 at the Municipal Complex, 1 School Street, Peapack, New Jersey and began at 7:01pm.

Mayor Muller 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."

Mayor Muller led the Pledge of Allegiance.

Roll Call indicated the following present:

Present: Mayor Muller, Council President Suriano, Councilman Caminiti, Councilman Corigliano, Councilman Lemma, Councilman Simpson

Absent: Councilman Smith

Also present were: Mr. Randy Bahr, Acting Administrator, Christopher Tietjen, Assistant Administrator, Mr. John Bruder, Esq., Borough Attorney and Nancy A. Bretzger, Borough Clerk

EXECUTIVE SESSION

Resolution No. 182-2017 – Authorization for Executive Session for Certified Specified Purposes – Personnel – Police Chief Retirement and Succession – Night Custodian; Affordable Housing Settlement; Litigation; Contract Negotiations was read. Motion was made by Councilman Caminiti, seconded by Councilman Corigliano. Said motion was carried unanimously.

Public Meeting reconvened at 7:31pm

GEOFF PRICE, ZONING OFFICER – PROPERTY MAINTENANCE ORDINANCE

Mayor Muller asked Mr. Geoff Price, Zoning Officer to give the Council a brief description of his background. Mr. Price stated that he is an Engineer by trade, he has worked with a civil engineering firm for approximately 15 years before he went out on his own. He has been doing Land Use since the early 90's. He now currently sits on the Board of Adjustment for his own town. He works for several towns in the area as the Zoning and Rental Housing. He explained that all the towns that he works for has a different approach to property maintenance. Mr. Price stated that the big question is how do you go about obtaining compliance. With respect to establishing compliance, Mr. Price proffered his method of enforcement as one predicated on open communication with the residents who have property maintenance or zoning issues, and then offering constructive guidance to resolve those issues in a timely and effective manner.



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The mayor asked what is a notice of violation. Mr. Price explained that it is not a summons but just a warning. Mr. Price said that he will try to contact the owner of the property, he will work with the owner and if there is nothing being done, then a notice of violation will be issued. He stated that it is all about establishing a relationship with the homeowner. Mayor Muller asked about the homeowner from other towns who cannot afford to make the necessary improvement or repairs: if there was an available fund provided by the involved municipality that the homeowner could draw from to help resolve the issue. Mr. Price stated no, but there are individuals in the town that helped.

Councilman Corigliano asked if someone made a complaint regarding the paint job on a house. Mr. Price stated that he would go and look and if he felt that it really was not a problem he would go back to the complainant and ask.

He stated that the Council has to trust the professionals they have hired to handle these situations. Mr. Price also said that they Rental Officers would also be looking at the outside of the building as well as the inside when conducting annual inspection. A landlord is held to a different standard than a homeowner living in the home, because the rental structure affords greater access to the property.

Councilman Simpson stated that he is concerned that there is going to be problems between the residents because he feels that this is a subjective assessment.

Mayor Muller stated that the rental ordinance has been effect for almost a year and there have been several summonses issued because of overcrowding in some of the homes.

Councilman Lemma asked about the small node cell towers. Mr. Price stated that Verizon goes to a council meeting and states that they want to put these small nodes in the right of way and asks for the Council permission. Mr. Price stated that in Bernards they have to receive a permit and have the electrical work inspected.

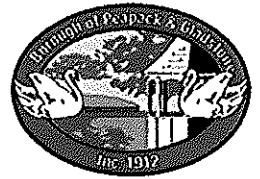
Mayor Muller asked if Mr. Price if he has worked with Verizon in Bernards Township. Mr. Price stated no that the Council did not require them to come in for a zoning permit. Mr. Bahr, Acting Administrator stated that the council passed a resolution in November 2016 for Verizon to install the small nodes. Mr. Bahr said that he will reach out to Verizon to see how many are going to be installed in the borough.

Councilman Simpson said that he has spoken to a higher up in Verizon and they said that coming to the Council meeting is only a courtesy to the town. Councilman Lemma asked if an amendment to the resolution could be made to compel Verizon come to the town on each installation for a public hearing. Mr. Bruder, Borough Attorney stated that it can be done but they should wait to see what Mr. Bahr finds out when he calls Verizon.

The Mayor and Council thanked Mr. Price for attending the meeting this evening.



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

Tom Knickerson, 37 Mendham Road – Mr. Knickerson stated that over the course of the last couple of weeks a new pole was installed in front of his home. He stated that he would like to understand the methodology the Council used in making the decision to allow Verizon to install throughout the town. Mr. Knickerson showed a picture of the pole that was installed in his front yard. He feels that it is an eyesore in front of his home. Councilman Corigliano explained that last year the Council received a request from Verizon to attend a meeting and explain what they would like to install and they presented a picture of what would be installed. They did not give us a plan of where the poles would be installed, but at that time they stated that the Borough could not withhold from them the right to install the poles because of BPU regulations. They have applied for electrical permits. Mr. Bruder asked if Verizon was obtaining site approval from the Construction Department. Mr. Bahr stated that they were not submitting an application for site approval, but instead they were only obtaining an electrical permit.

Mrs. Quinn - 35 Mendham Road – Mrs. Quinn stated that she feels there are health concerns with the installation of the pole right next door to her home wherein she is raising her small family. She stated that she is also concerned with the property value of her home. Council President stated that he does not think that Council will have any say in where the poles have been installed except for the condition that they be placed within the right-of-way. Councilman Lemma asked if we can pull the resolution for the small nodes. Councilman Corigliano asked Christopher Tietjen, Assistant Administrator to reach out to Verizon to see what can be done.

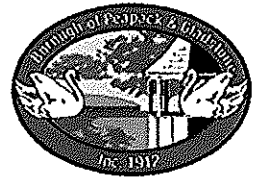
Mr. Bruder, Borough Attorney stated that under the FCC regulations, the Borough cannot withhold the installations but reasonable conditions can be set. He stated that Verizon should be asking the Construction Department for site specific approval, which should have been stipulated in the resolution.

Jay Cohen 9 Bruher Lane Rockabye Valley Development – Mr. Cohen said that he would like to know the status of the roads and when they will be handed over to the town. Mr. Bruder stated that the developer had passed away and his wife was listed on the paperwork as the new holder. The bank that provided the financing for the project assumed responsibility for completing the construction of the homes, but they contend that they are not the project developer-of-record, so the question of who assumes responsibility for completing the roads remains outstanding. Mr. Bruder explained that they have reached out to the bonding company in regards to the performance bond. He also explained that the Borough just served a 30-day notice to the wife of the deceased as well as the bonding company. Mr. Bruder stated that the Borough will be serving the default notice as soon as the 30 days is up. He explained that the Borough Engineer is doing a site examination of the items that are still outstanding, once that is completed it will be shared with the bonding company. The bonding company has not stated what their course of action will be as of yet.

Dr. Spratt – Matheny -65 Highland Ave. – Dr. Spratt asked what the placement criteria was used when determining the location of the small transmission nodes as it relates to the feasibility of using existing utility poles and the justification to install new poles. He said that Verizon should be able to determine where they are installing new poles and if there are existing poles that could serve that purpose.



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James Heck- 6 Pheasant Run – Mr. Heck stated that he is curious as to the Governing Body's right to deny Verizon's electrical permit; particularly, are there established guidelines that could be relied upon to deny a selected site. Mr. Bruder stated there can be any number of reasons to contest a selected site such as adverse traffic implications.

Mr. Heck also asked if the Council approves for after-hours work being done by construction companies. There is a development with an unpaved parking lot, on two (2) subsequent nights they have been paving until 10pm at night. He has called the police and lodged a complaint. The responding police officer told him that they had received approval to work until 10pm. Mayor Muller stated that now that the Council has been made aware of this, the Council can look in to the problem.

Sherrie Rhinehart – 8 Highland Ave. – Mrs. Rhinehart stated that she has a problem getting package deliveries from Amazon; in short, they cannot find her house based on her listed address. Shae asked the Council if they could help to rectify the confusion with unrecognized mailing addresses. She also explained that when she goes to pick up her mail at the Peapack Post Office, she sometimes receives mail not addressed to her, and often wonders if her mail is being misdirected. She has brought this matter up to the postal workers on a number of occasions, but no resolution appears forthcoming. Councilman Corigliano stated that she should speak with the new Postmaster in Peapack.

Mr. Bahr stated that in the past he has met with the congressman to ask for help, it didn't help but at least there is a complaint on file. Councilman Lemma asked if a resolution can be completed for the next meeting and sent to the Congressman.

MINUTES

Councilman Lemma moved to accept the minutes from the Regular Meeting of June 27, 2017, seconded by Council President Suriano. Councilman Corigliano asked that the heading of the minutes be changed from Agenda to Minutes. With Councilman Caminiti abstaining, said motion was passed.

Councilman Lemma moved to accept the minutes of the Regular Meeting of July 11, 2017, seconded by Councilman Caminiti. The Council mentioned several changes to be made to the minutes. With Council President Suriano abstaining, said motion was passed.

Council President Suriano moved to accept the minutes from the Regular Meeting of September 26, 2017, seconded by Councilman Caminiti. Councilman Corigliano mentioned 2 changes to the minutes on page 3 and page 6. Said motion was passed.

Council President Suriano moved to accept the minutes from the Executive Session of September 26, 2017, seconded by Councilman Corigliano. Said motion was passed.

Council President Suriano moved to accept the minutes from the Special Meeting of October 9, 2017, seconded by Councilman Corigliano. Said motion was passed.

Council President Suriano moved to accept the minutes from the Executive Session of October 9, 2017, seconded by Councilman Lemma. Said motion was passed.



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Council President Suriano moved to accept the minutes from the Regular Meeting of October 10, 2017, seconded by Councilman Caminiti. With mention of changes on page 3, said motion was passed.

Councilman Caminiti moved to accept the minutes from the Executive Session of October 10, 2017, seconded by Councilman Corigliano. Said motion was passed.

Councilman Caminiti moved to accept the minutes from the Regular Meeting of October 24, 2017, seconded by Councilman Corigliano. With typo changes mentioned on page 4 and page 8, said motion was passed.

Council President Suriano moved to accept the minutes from the Executive Session of October 24, 2017, seconded by Councilman Caminiti. Said motion was passed.

ORDINANCES

Council President Suriano moved to open the Public Hearing for **Ordinance 2017-1047** – An Ordinance Amending Chapter XXIII, Titled "*Land Development Ordinance*" of the Revised General Ordinances of the Borough of Peapack & Gladstone Permitting Residential Health Care Facilities as a Permitted Use within the RE, Rural Estate Zone, seconded by Councilman Corigliano. Said motion was carried unanimously.

Council President Suriano stated that back in 2015 based on a recommendation from the Land Use Board, that the Council change the RE Rural Estate Zone by Ordinance to help identify what Matheny is and allow Matheny to continue on its current site.

Mayor Muller asked for any comments from the audience.

Sherrie Reinhart – 8 Highland Avenue – Mrs. Reinhart asked if this ordinance allows Matheny to remain on their property. Council President Suriano explained that the changes made in the ordinance includes the whole RE zone, not just the Matheny property. He also explained that the Land Use Board made this recommendation through their reexamination of the Master Plan. He stated that the chronologic sequence of events leading to the creation of the instant ordinance is reflected on the first page of same.

Mrs. Reinhart asked about the lawsuits from Matheny. Council President Suriano gave a synopsis of the past and current lawsuits. He also stated that the Council was striking an equitable resolution with Matheny.

Mrs. Reinhart thanked the Council for all of their hard work and coming to a conclusion with this action.

John Skinner – 20 Pottersville Road – Mr. Skinner asked if this ordinance effects Gill St. Benards. Council President Suriano stated that the Council is currently working on an agreement with GSB. Mr. Skinner asked how much in legal fees with respect to the Matheny litigation and settlement resolution. Council President Suriano stated that the borough's insurance company paid for all of the attorney fees, except Mr. Bruder's fees. Mr. Skinner stated that he appreciates the due diligence invested to resolve this matter.



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Council President Suriano moved to close the Public Hearing for **Ordinance 2017-1047** – An Ordinance Amending Chapter XXIII, Titled “Land Development Ordinance” of the Revised General Ordinances of the Borough of Peapack & Gladstone Permitting Residential Health Care Facilities as a Permitted Use within the RE, Rural Estate Zone, seconded by Councilman Corigliano. Said motion was carried unanimously.

Council President Suriano moved to Adopt **Ordinance 2017-1047** – An Ordinance Amending Chapter XXIII, Titled “Land Development Ordinance” of the Revised General Ordinances of the Borough of Peapack & Gladstone Permitting Residential Health Care Facilities as a Permitted Use within the RE, Rural Estate Zone, seconded by Councilman Caminiti. Said motion was carried unanimously.

Councilman Caminiti moved to open the Public Hearing for **Ordinance 2017-1049** – An Ordinance to set the Compensation of the Mayor, Borough Council Members, Department Heads and Municipal Employees, seconded by Councilman Corigliano. Said motion was carried unanimously.

Mayor Muller asked for any comments from the audience. No one came forward.

Councilman Caminiti moved to close the Public Hearing for **Ordinance 2017-1049** – An Ordinance to set the Compensation of the Mayor, Borough Council Members, Department Heads and Municipal Employees, seconded by Council President Suriano. Said motion was carried unanimously.

Council President Suriano moved to Adopt Ordinance 2017-1049 – An Ordinance to Set the Compensation of the Mayor, Borough Council Members, Department Heads and Municipal Employees, seconded by Councilman Simpson. Said motion was carried unanimously

OLD BUSINESS

NEW BUSINESS

Mayor Muller asked if the Council would like to do the following resolutions as a Consent Agenda for this evening. Councilman Lemma made the motion to have the resolutions on a Consent Agenda for this evening, seconded by Councilman Caminiti. Said motion was carried unanimously.

Motion was made by Councilman Simpson to approve Resolution 183-2017 through Resolution 194-2017, seconded by Councilman Caminiti. Said motion was carried unanimously.

Resolution No. 183-2017 – Year End Budget Transfers

Resolution No 184-2017 Authorization to Hire Sarah Jane Noll as Zoning and Land Use Board Secretary

Resolution No 185-2017 Authorizing the Borough of Peapack & Gladstone to Enter into a Cooperative Pricing Agreement with County of Bergen

Resolution No. 186-2017 Authorizing the Borough of Peapack & Gladstone to Enter into an Agreement for Somerset County Commodity Resale ID#201SCCRS – 2017-2021

Resolution No. 187-2017 Accepting Retirement Notice of Police Chief Gregory J. Skinner

Resolution No. 188-2017 Resolution to Enter into an Agreement with Princeton Hydro for the Purpose of Obtaining an Assessment Report Regarding Liberty Park for the New Jersey State Green Acres Grant



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Resolution No. 189-2017 Resolution to Refund Lienholder for Redemption of Lien #00037 on Block 29, Lot 10

Resolution No. 190-2017 Authorization to Accept Change Order from Konkus Corporation for Work Associated with Mosle Road Project – Sections 1 & 3

Resolution No. 191-2017 Governor's Council on Alcoholism and Drug Abuse – Fiscal Grant Cycle July 2014 – June 2019

Resolution No. 192-2017 Resolution to Refund Tax on Block 4.02, Lot 13

Resolution No. 193-2017 Authorizing Borough Police Department to Participate in Somerset County Year End DWI Safe Passage Grant

Resolution No. 194-2017 Resolution Providing for the Insertion of a Special Item of Revenue in the 2017 Budget Pursuant to N.J.S.A. 40A:4-87(Chapter 159, P.L. 1948)

MISCELLANEOUS DISCUSSION/APPROVALS

Facility Usage Application – The Cottage School –

The Mayor stated that a facility usage application was received from The Cottage School to use 2 of the rooms on the 2nd floor as classrooms from September 2018 through June 2019.

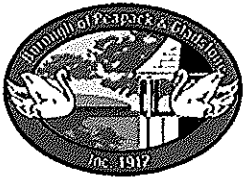
Council President Suriano asked if there was any coding restrictions or structural limitations that would prohibit our approving this request. Randy Bahr, Acting Administrator stated that he does not think there is restrictions or limitations, but he was not sure what the Department of Education requirements are and if the rooms would meet reason we could not grant this request. Randy Bahr, Acting Administrator stated that he does not think there is no problem from the Borough, but he is not sure what the Department of Education requirements are and if the rooms would meet those requirements.

Mrs. Salage, Owner, Director of The Cottage School – Mrs. Salage stated that they would be looking to only have elementary school children in the building not early childhood. She stated that they do not receive funding from the Department of Education, but they are licensed from the State of NJ. This school is along the line of Home Schooling. They currently have preschool to elementary school at the church. There are 6 elementary students and they would like to expand to have more elementary students but there is not enough room to do that at the church. Mrs. Salage stated that they are a non-selective multi-cultural for-profit organization.

Council President Suriano asked if they could wait on a decision until the next meeting. He would like to have some questions answered by the Engineer, Construction Officer, Zoning Officer and Fire Code Official regarding the use of those rooms.

COUNCIL REPORTS

Finance – Council President Suriano asked the Council if they would like to hold a budget meeting to consider the 2018 budget on December 5 or December 12. The Council discussed and stated that the meeting should be held on December 12. The meeting will be noticed for December 12 at 7:30pm.



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Council President Suriano said that the departments should start working on their budget requests for 2018. Mr. Bahr, Acting Administrator said that he will notify all Department Heads.

Sanitation & Sewer – Councilman Lemma stated that a STAB meeting will take place on December 15 to set the rates for shared services with Bedminster. He said that he is hoping to be able to lower the rates for 2018.

Borough Property – Councilman Simpson explained that the renovations for the Library are on hold at this time due to the state passing the bonding for library improvements, so they are working on applying for some monies from the state. He also stated that it has been a difficult time trying to capture the baby swans from the pond for the fact that they can fly. DPW will continue to try to catch them so they can go to their new home on a pond on a residential property.

Fire – Councilman Caminiti stated that the Fire Department is working on its 2018 budget. He also explained that Chief McDermott has an estimate from Mendham Medical Group for the Fire Department Physicals. The Council concurs with using this vendor. They ask that the members use their insurance first and what is not covered by insurance the Borough will pay the balance.

Police & Information Systems – Councilman Corigliano said that he is pleased to say the negotiations are moving along and the next meeting is scheduled for next week.

Roads & Transportation – Councilman Caminiti stated that he had no report at this time.

Zoning & Construction - Councilman Lemma stated that the Zoning Officer was here tonight and answered questions of the Council regarding the new property maintenance ordinance and how he would enforce this ordinance.

Legal – Borough Attorney John Bruder stated that he had nothing to report at this time.

Administrator's Report – Mr. Bahr stated that he will be working on the budget along with Chris Tietjen in anticipation of the December 12 budget meeting. He explained that he has spoken with Councilman Simpson and they have set up certain times for the OPEN Gym.

Mayor's Report – Mayor Muller stated that he received a thank you card from Mrs. Gonzalez where she expressed her gratitude to the Council for their work on the property maintenance ordinance.

BILLS LIST

Resolution No. 195-2017 Approval of Bills as signed and listed on the Bill Payment List in the amount of \$793,513.95 was read. Motioned by Councilman Caminiti, seconded by Councilman Lemma. Said motion was carried unanimously.

PUBLIC COMMENTS -- 3 MINUTES PER PERSON – AGENDA ITEMS ONLY

Mayor Muller asked if anyone from the audience would like to comment on agenda items only. No one came forward.



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EXECUTIVE SESSION

Councilman Caminiti motioned to reconvene in Executive Session, Resolution No. 182-2017 – Authorization for Executive Session for Certified Specified Purposes – Personnel – Police Chief Retirement and Succession – Night Custodian; Affordable Housing Settlement; Litigation; Contract Negotiations; seconded by Councilman Lemma. Said motion was passed unanimously.

Executive Session reconvened at 10:20

The public portion of the meeting was opened again at 11:30pm.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Council President Suriano, seconded by Councilman Lemma, that this meeting be adjourned at 11:31pm. This motion was carried unanimously.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Nancy A. Bretzger".

Nancy A. Bretzger, Borough Clerk