

**MINUTES OF THE PEAPACK & GLADSTONE BOROUGH COUNCIL  
JULY 14, 2015, COUNCIL CHAMBERS 7 PM  
REGULAR MEETING**

The Borough Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey, convened in a regular session meeting on Tuesday, July 14, 2015, at 7 p.m., in Council Chambers in the Municipal Complex, located at 1 School Street, Peapack, New Jersey 07977.

**NOTICE OF MEETING**

The following statement was read by the Borough Clerk:

Adequate notice of this meeting of the Mayor and Borough Council of the Borough of Peapack & Gladstone was given to the Courier News, Newark Star Ledger and the Bernardsville News on December 25, 2014, was posted at the Municipal Complex, School Street, the Peapack Post Office, Main Street, Peapack & the Gladstone Post Office, Main Street, Gladstone, New Jersey on December 25, 2014, and was mailed on December 25, 2014, to all those people who have requested individual notice and paid the required fee.

On July 9, 2015, notice of a time change was sent to the Bernardsville News and Courier News and printed on July 11, 2015, posted on the Borough website; and posted on the official bulletin board in the Municipal Building.

**FLAG SALUTE**

Mayor William Muller led the salute to the flag.

**ROLL CALL**

On the call of the roll, the following were present:

William Muller, Mayor  
Gian Paolo Caminiti (absent)  
Mark Corigliano (absent)  
Gerald J. Gunning  
T. William Simpson (arrived at 7:09 p.m.)  
Royal Smith  
Anthony Suriano

Also present on the dais were Borough Clerk/Administrator Hector A. Herrera and Borough Attorney John Bruder.

**EXECUTIVE SESSION**

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS PERSONNEL

Councilman Smith moved to adopt resolution #097-15, which authorized for a closed session to discuss personnel. Councilman Gunning seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Absent
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #097-15 was adopted.

A copy of resolution #097-15 is appended to the official minutes.

Council convened in closed session at 7:10 p.m.

Council reconvened in open session at 7:35 p.m.

**MINUTES**

Councilman Gunning made a motion that the reading of the minutes be dispensed with, and the:

- closed session minutes of the June 9, 2015, Council meeting
- the second closed session minutes of the June 9, 2015, Council meeting
- minutes of the meeting of June 23, 2015, Council meeting
- minutes of the June 29, 2015, Special Joint Meeting
- closed session minutes of the June 29, 2015, Special Joint Meeting

stand approved, as submitted, by the Borough Clerk, to the Mayor and Borough Council.

Councilman Suriano seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye (Abstain on 6/23/15 meeting)
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

**PUBLIC COMMENT FOR NON-AGENDA ITEMS**

Gavin Valley, 11 Taintor Street, came before Council to request authorization for his son to sell flowers on Main Street in Peapack in front of Peapack Fine Wines. Council approved Mr. Valley's request.

Caroline Champion, representing the Twin Borough Tennis Association, asked Council if there were any questions to the follow-up letter she had submitted to Council regarding its request of Council to be recognized by the Borough as an autonomous, quasi- governmental organization established to promote usage of the Borough’s tennis facilities, promote participation in the game of tennis, and contribute to the sense of community among residents and employees of the Borough. Council informed her they had not had an opportunity to read the letter as it was just submitted shortly before this meeting

No one wished to be heard.

**PRESENTATIONS**

**PUBLIC HEARING FOR SPECIAL USE PERMIT**

Women’s Association of the Morristown Medical Center (WAMMC) Mansions in May Event  
Tabby Cochran, 4 Ramapo Way, asked how the park would be accessed.

Vice President Prudence Pigott stated the main entrance/exit to Natirar would be used.

Tom Dill, 10 Pfizer Drive, asked Council if was ready to grant WAMMC approval for its special use permit request.

Council stated Mr. Bruder would prepare the resolution and it would be placed on an agenda for a later date.

No one else wished to be heard.

**SWEARING IN CEREMONY FOR POLICE OFFICER**

**RESOLUTION TO APPOINT SPECIAL CLASS II POLICE OFFICER ADAM CARUSO**

Council stated every member had an opportunity to meet with Mr. Adam Caruso and found him to be qualified for the position.

Councilman Suriano moved to adopt resolution #098-15. Councilman Gunning seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #098-15 was adopted.

A copy of resolution #098-15 is appended to the official minutes.



Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #099-15 was adopted.  
 A copy of resolution #099-15 is appended to the official minutes.

RESOLUTION TO REFUND ESCROW FUNDS TO THE VIRGIN SPA AT NATIRAR IN THE AMOUNT OF \$1,000

Councilman Suriano stated this escrow account was set up in 2009 for tents for the Virgin Spa at Natirar. The Borough did not utilize that escrow and it is subject to a refund.

Councilman Suriano moved to adopt resolution #100-15. Councilman Simpson seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #100-15 was adopted.  
 A copy of resolution #100-15 is appended to the official minutes.

RESOLUTION TO REFUND ESCROW FUNDS TO MANSION IN MAY 2014 IN THE AMOUNT OF \$1,000

Councilman Suriano stated this escrow account was set up in 2014 for a special use application for the Mansion in May Event held at Blairsdén. The Borough did not utilize that escrow and it is subject to a refund.

Councilman Suriano moved to adopt resolution #101-15. Councilman Smith seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye

Councilman Suriano Aye

Resolution #101-15 was adopted.  
A copy of resolution #101-15 is appended to the official minutes.

RESOLUTION TO CANCEL 2015 DISTRACTED DRIVER GRANT BALANCE IN THE AMOUNT OF \$925

Councilman Suriano reviewed this resolution. He stated the Borough received this grant and had not used all of the funds. This resolution formally cancelled the receivable balances and their offsetting appropriation balances from the balance sheet.

Councilman Suriano moved to adopt resolution #102-15. Councilman Smith seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #102-15 was adopted.  
A copy of resolution #102-15 is appended to the official minutes.

AUTHORIZATION APPROVING FINAL LIST OF VOLUNTEER MEMBERS OF THE PEAPACK & GLADSTONE FIRE DEPARTMENT AND THE PEAPACK & GLADSTONE FIRST-AID AND RESCUE SQUAD WHO QUALIFY FOR CONTRIBUTIONS UNDER THE BOROUGH LOSAP PROGRAM IN THE BOROUGH OF PEAPACK & GLADSTONE, COUNTY OF SOMERSET

Councilman Suriano reviewed this resolution. He stated the Borough’s annual contribution to the Length of Service Awards Program for eligible members is tied to the consumer price index.

Councilman Suriano moved to adopt resolution #103-15. Councilman Smith seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #103-15 was adopted.  
A copy of resolution #103-15 is appended to the official minutes.

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

Councilman Suriano reviewed this resolution. He stated this resolution was to certify the member from the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations.

Councilman Suriano moved to adopt resolution #104-15. Councilman Smith seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #104-15 was adopted.  
A copy of resolution #104-15 is appended to the official minutes.

PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE BOROUGH OF PEAPACK & GLADSTONE INTO A SINGLE ISSUE OF BONDS AGGREGATING \$1,400,000 IN PRINCIPAL AMOUNT

Councilman Suriano reviewed this resolution. He stated the purpose of this resolution was to combine certain issuances of bonds into a single bond aggregating \$1,400,000 in principal amount.

Councilman Suriano moved to adopt resolution #105-15. Councilman Smith seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #105-15 was adopted.  
A copy of resolution #105-15 is appended to the official minutes.

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$1,400,000 GENERAL OBLIGATION BONDS OF THE BOROUGH OF PEAPACK & GLADSTONE AND PROVIDING FOR THEIR SALE

Councilman Suriano reviewed this resolution. He stated the purpose of this resolution was to set the terms of the payout per year of the bond.

Councilman Suriano moved to adopt resolution #106-15. Councilman Smith seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #106-15 was adopted.

A copy of resolution #106-15 is appended to the official minutes.

SANITATION/SEWER: *(Smith/Caminiti)*

RESOLUTION TO CANCEL SEWER CHARGES ON BLOCK 1, LOT 4.08 LOCATED AT 1 ROCKABYE VALLEY ROAD ACCOUNT #931-0 IN THE AMOUNT OF \$772.80

Councilman Smith reviewed this resolution. He stated construction on this was recently completed. The amount reflected a bill from the fourth quarter of the previous year, when the builder was still using the water for landscaping purposes.

Councilman Smith moved to adopt resolution #107-15. Councilman Simpson seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #107-15 was adopted.

A copy of resolution #107-15 is appended to the official minutes.

**BOROUGH PROPERTY: (Corigliano/Smith)  
PROFESSIONAL SERVICE AGREEMENT FOR PROFESSIONAL AUCTIONEER SERVICES FOR THE SALE OF BOROUGH PROPERTY LOCATED AT 32 APGAR AVENUE COMMONLY KNOWN AS THE KOMLINE HOUSE TO MAX SPANN R.E. & AUCTION COMPANY**

Mayor Muller recused himself from this matter.

Councilman Smith reviewed this matter. He stated that Max Spann had agreed to the Borough’s terms for the contract for professional auctioneer services for the sale of Borough property located at 32 Apgar Avenue, commonly known as the Komline House. Specifically, the Borough would not be responsible for any marketing fees if there were no bids submitted during the auction that did not reach the minimum bid.

Chris Downing, 99 Main Street, stated he was not in favor of selling the property. Council and Mr. Downing had a discussion why Council was moving forward with selling this property.

**AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF BEDMINSTER AND THE BOROUGH OF PEAPACK AND GLADSTONE FOR SENIOR VAN TRANSPORTATION SERVICE**

Councilman Smith reviewed this resolution. He stated this agreement will have the Township of Bedminster provide transportation services for eligible Borough seniors three days per week at a rate of \$15 per passenger per day.

Councilman Smith moved to adopt resolution #108-15. Councilman Simpson seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #108-15 was adopted.

A copy of resolution #108-15 is appended to the official minutes.

**APPLICATION FROM THE NATIONAL MULTIPLE SCLEROSIS SOCIETY'S NEW JERSEY METRO CHAPTER FOR ITS MS BIKE RACE TO USE LIBERTY PARK**

On September 19, 2015, the National Multiple Sclerosis Society's New Jersey Metro Chapter is requesting to use Liberty Park as a rest area for the participants in it MS bike race. Council

approved the request and asked Superintendent of Public Works Rodney McCatharn to communicate with its representatives to ensure the area is cleaned up after this use.

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

**Discussion of Firehose Replacement**

Councilman Simpson reported he met with Peapack & Gladstone Fire Department Fire Chief John Seebach regarding the Department’s recent request for additional funds to replace firehose and other repairs to vehicles. He stated the Department is no longer in need of additional funds as the costs were not as much as originally anticipated.

**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

Councilman Gunning reviewed this ordinance resolution. He stated the purpose of the ordinance was to clarify the organization, present policies and practices of the Borough Police Department.

Councilman Gunning moved to introduce Ordinance #1014 / adopt resolution #109-15. Councilman Smith seconded that motion.

The Clerk stated the public hearing for this pending ordinance will be held July 28, 2015, in the Council Meeting Room of the Municipal Complex located at 1 School Street, Peapack, and will be advertised in the official newspaper and posted on the official bulletin board in the Municipal Complex.

On call of the roll the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Council President Suriano	Aye

Resolution #109-15 / ordinance #1014 was introduced.

A copy of resolution #109-15 / ordinance #1014 is appended to the official minutes.

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

Councilman Simpson asked about the status of the search for a new mechanic. Mr. McCatharn stated he has completed interviews and is now deliberating on potential candidates.

LEGAL: (John E. Bruder, Esq.)

Mr. Bruder advised Council it would need to adopt a resolution to approve the layoff of the senior van bus driver now that it has approved an agreement for this service.

Councilman Smith moved to adopt a resolution authorizing layoff senior van bus driver as of July 1, 2015. Councilman Gunning seconded that motion.

On call of the roll the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Council President Suriano	Aye

Resolution #110-15 was introduced.

A copy of resolution #110-15 is appended to the official minutes.

**MISCELLANEOUS COUNCIL BUSINESS**

**PROCLAMATION FOR A DAY OF REMEMBRANCE FOR WOMEN AND GIRLS WHO ARE VICTIMS OF HONOR VIOLENCE**

Council adopted this proclamation.

**DISCUSSION REGARDING COUNCIL AUTHORIZATION FOR ANNE VAN DEN BERGH, CHAIR OF (BOROUGH) FARMLAND PRESERVATION AND AGRICULTURAL COMMITTEE, TO WORK WITH BETH DAVISSON, NJ CONSERVATION FOUNDATION, REGARDING POTENTIAL NEW PIG (PLANNING INCENTIVE GRANT) TARGETS**

Council concurred to have Ms. van den Bergh work with Ms. Davisson on this matter.

**PUBLIC COMMENT**

Ruth Williams, Highland Avenue, asked about the status of a zoning ordinance that will eliminate certain permitted uses within the RR-1, RR-2, RR-3, RR-5 and the RE districts of the Borough. Mr. Bruder stated he provided Council with a draft ordinance earlier that day. Council asked Mr. Bruder to provide Ms. Williams with a copy of the draft that will be placed on the July 28, 2015, agenda for introduction.

Councilman Suriano and Ms. Williams discussed a letter Ms. Williams submitted to the Borough on July 5, 2015, where she asked that Councilman Suriano be removed from participating in

settlement discussions with Matheny due to a conflict of interest. Cm. Suriano offered his recollection of the underlying facts that he contends would challenge the validity of a predisposing conflict.

Ronald Hill of Gladstone stated the LOSAP approving resolution has come before Council earlier in the year in past years. He asked about the delay.

Mr. McCatharn stated the Branch Road project, which was scheduled to begin on July 27, 2015, was delayed and would start in August.

**AUDITING OF CLAIMS:**

Councilman Smith that the payment of Interim Claims be approved and that all vouchers submitted this date, as per voucher list, be paid after proper audit. Councilman Gunning seconded that motion.

On call of the roll the following vote was cast:

Councilman Caminiti	Absent
Councilman Corigliano	Absent
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

**ADJOURNMENT**

On the motion of Councilman Suriano, second by Councilman Gunning, the meeting adjourned at 10:14 a.m.

APPROVED:

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HECTOR HERRERA  
BOROUGH CLERK

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WILLIAM MULLER  
MAYOR

**BOROUGH OF PEAPACK AND GLADSTONE**

**RESOLUTION NO. 097-15**

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.

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

Adopted: July 14, 2015

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 098-15**

**RESOLUTION TO APPOINT SPECIAL CLASS II POLICE OFFICER ADAM CARUSO**

WHEREAS, the Borough Police Department has expressed a need for an additional Class II Police Officer; and

WHEREAS, the Borough has investigated this subject and concurs that there exists a need for an additional Class II Police Officer; and

WHEREAS, the Borough Police Department has sought and solicited qualified candidates to fill the aforesaid position; and

WHEREAS, the Borough Council’s Police Committee has participated in conjunction with the Borough Police Department in the interview process of various candidates; and

WHEREAS the Borough Police Department has recommended that Officer Adam Caruso be hired to fill the aforesaid position, and the Police Committee has concurred with that recommendation.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Peapack & Gladstone that Adam Caruso is hereby appointed as a Class II police officer in the Borough of Peapack & Gladstone Police Department at a salary of \$20 per hour, effective starting date July 15, 2015.

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

Adopted: June 23, 2015

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 099-15**

APPROVING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO ROBERT GABRISH, ASSESSOR SERVICES, LLC, 414 RUNYON COURT, FLEMINGTON, NEW JERSEY FOR ASSESSOR SERVICES IN AN AMOUNT NOT TO EXCEED \$7,000

WHEREAS, the Governing Body of the Borough of Peapack & Gladstone wishes to retain certain professionals during the year 2015; and

WHEREAS, all of those to be appointed are engaged in rendering “professional services” as defined by R.S. 40A:11-2 (6), in that they are authorized to practice recognized professions, the practice of which are regulated by laws; and

WHEREAS, the Borough of Peapack & Gladstone has certified that sufficient funds are available in the Borough budget to pay for the professional services authorized herein; and

WHEREAS, the Borough of Peapack & Gladstone must retain assessor services for reassessment inspections of residential, commercial and farmland properties; added assessment inspections and computer entry into the CAMA file; and

WHEREAS, the total amount of this contract shall be for an amount not to exceed \$7,000.

NOW THEREFORE BE IT RESOLVED, by the Borough of Peapack & Gladstone, that it does ratify, confirm and approve the appointment of the following to perform professional services for the Borough of Peapack & Gladstone during the period of July 1, 2015, to December 31, 2015, subject to the negotiating of acceptable contract and total quality performance.

**NAME**

**POSITION**

Robert Gabrish, Assessor Services, LLC  
414 Runyon Court  
Flemington, NJ 08822

Assessment Inspections

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

Adopted: July 14, 2015

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 100-15**

RESOLUTION TO REFUND ESCROW FUNDS TO THE VIRGIN SPA AT NATIRAR IN THE AMOUNT OF \$1,000

WHEREAS, there was an escrow fee of \$1,000 collected from the Virgin Spa at Natirar on November 3, 2009; and

WHEREAS, James Fania, Construction Official and Zoning Official, has provided a written statement that there is no tent erected at the site as of June 11, 2015, and no issues that would prevent the Virgin Spa from receiving an escrow refund.

NOW, THEREFORE BE IT RESOLVED, that the finance officer is hereby authorized to refund the \$1,000 escrow to the Virgin Spa at Natirar.

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

Adopted: July 14, 2015

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 101-15**

RESOLUTION TO REFUND ESCROW FUNDS TO MANSION IN MAY 2014 IN THE AMOUNT OF \$1,000

WHEREAS, there was an escrow fee of \$1,000 collected from Mansion in May, sponsored by the Women’s Association of Morristown Medical Center, and deposited in 2013 upon their application to hold the event at Blairsden in May of 2014; and

WHEREAS, the event was held and it was determined no escrow fees were needed.

NOW, THEREFORE BE IT RESOLVED, that the finance officer is hereby authorized to refund the \$1,000 escrow to the Mansion in May, sponsored by the Women’s Association of Morristown Medical Center.

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

Adopted: July 14, 2015

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 102-15**

RESOLUTION TO CANCEL 2015 DISTRACTED DRIVER GRANT BALANCE IN THE AMOUNT OF \$925

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>
2015 Distracted Driver Grant	\$925.00	\$925.00
	\$925.00	\$925.00

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

Adopted: July 14, 2015

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO.103-15**

AUTHORIZATION APPROVING FINAL LIST OF VOLUNTEER MEMBERS OF THE PEAPACK & GLADSTONE FIRE DEPARTMENT AND THE PEAPACK & GLADSTONE FIRST-AID AND RESCUE SQUAD WHO QUALIFY FOR CONTRIBUTIONS UNDER THE BOROUGH LOSAP PROGRAM IN THE BOROUGH OF PEAPACK & GLADSTONE, COUNTY OF SOMERSET

WHEREAS, the Borough of Peapack & Gladstone has created and established a length of service awards program (LOSAP) in accordance with N.J.S.A. 40A:14-183 et. seq. (Emergency Services Volunteer Length Of Service Award Program Act) so as to reward active members of the Peapack & Gladstone Fire Department and the Peapack & Gladstone First-Aid and Rescue Squad for their loyal, diligent and devoted services to the residents of the Borough; and

WHEREAS, the program provides for fixed annual contributions of \$1,000 per qualifying member to a deferred-income account for each volunteer member that meets the criteria set forth in Section 35.4 (Annual Contributions) (ordinance #953) of Article III (Departments), Chapter 2 (Administration) of the Borough Municipal Code; and

WHEREAS, the required contribution in 2014 is \$1,229.48 per qualified member; and

WHEREAS, a minimum of 50 annual service points are required for a members of the Peapack & Gladstone Fire Department and the Peapack & Gladstone First-Aid and Rescue Squad to be eligible for an annual contribution to the program, calculated in accordance with the Borough's LOSAP service point system as set forth in Section 35.7 of Article III, Chapter 2 (ordinance #891) of the Borough Municipal Code; and

WHEREAS, in accordance with N.J.S.A. 40A:14-191 the Chief of the Peapack & Gladstone Fire Department and the Captain of the Peapack & Gladstone First-Aid and Rescue Squad have furnished to the Borough Clerk an annual list identifying those active volunteer members who have qualified for credit under the award program for the previous year; and

WHEREAS, the Borough Council has reviewed those annual certified lists, including the records and documentation provided by those squads to substantiate the information provided; and

WHEREAS, the Borough Council of the Borough of Peapack & Gladstone is satisfied those volunteer members of the Peapack & Gladstone Fire Department and the Peapack & Gladstone First-Aid and Rescue Squad so named in each of the lists are eligible and do qualify for credit under the award program and wish to affirm and approve the final list of qualified volunteer members so that the appropriate compensation may be contributed.

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

1. It hereby approves the certified annual lists submitted by the Peapack & Gladstone Fire Department and the Peapack & Gladstone First-Aid and Rescue Squad and acknowledges that each of the volunteer members identified therein are active volunteer members who have qualified for credit under the award program.
2. It authorizes the transfer of fixed annual contributions to the accounts of each of those qualified volunteer members in the amount of \$1,229.48 for the year 2014, in accordance with Section 35 [Length Of Service Awards Program (LOSAP)] of Article III (Departments), Chapter 2 (Administration).
3. Upon approval of the two certified lists, attached hereto, by this resolution of the Borough Council, the lists shall be posted at the office of the Borough Clerk, at the Borough Library and a copy thereof shall be returned to the four first aid and rescue squads for posting pursuant to N.J.A.C. 5:30-14.10.
4. Pursuant to N.J.S.A. 40A:14-188, a member whose name does not appear on the approved list, may appeal the posting. The appeal shall be within 30 days of the list's posting. The appeal shall be made in writing and mailed by certified mail, return receipt requested, to the Borough Clerk. The Borough Council shall investigate the appeal and render a written decision regarding the appeal within 30 days of the Borough Clerk's receipt of the appeal.

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

Adopted: July 14, 2015

BOROUGH OF PEAPACK & GLADSTONE  
2014 Qualifiers-First Aid Squad

<u>NAME</u>	<u>POINTS</u>	<u>AMOUNT</u>
1. Fagan, Judith	120	\$ 1,229.48
2. Moke, Gail	53	\$ 1,229.48
3. Ross, Thompson	93	\$ 1,229.48
4. Ryan, Ann	56	\$ 1,229.48
5. Scanlon, Thomas	87	\$ 1,229.48
6. Seebach, John	57	\$ 1,229.48
7. Skinner, John	66	\$ 1,229.48
8. Skinner, Greg	50	\$ 1,229.48
9. Beckhorn, Richard	66	\$ 1,229.48
10. Tiger, George	62	<u>\$ 1,229.48</u>
		\$12,294.80

2014 Qualifiers-Fire Department

<u>NAME</u>	<u>POINTS</u>	<u>AMOUNT</u>
1. Badger, Ed	136	\$1,229.48
2. Duarte, Anthony	83	\$1,229.48
3. Duff, Owen	79	\$1,229.48
4. Fagan, Brad	60	\$1,229.48
5. Fagan, Doug	135	\$1,229.48
6. Fagan, Kevin	134	\$1,229.48
7. Fagan, Mark	61	\$1,229.48
8. Harris, William	52	\$1,229.48
9. Hill, David	90	\$1,229.48
10. Hill, Kinglsey	53	\$1,229.48
11. Hill, Ronald	88	\$1,229.48
12. Kessler, Jim	51	\$1,229.48
13. Kneafsey, Kevin	64	\$1,229.48
14. McDermott, John	127	\$1,229.48
15. Ross, Thompson	116	\$1,229.48
16. Russo, Gene	83	\$1,229.48
17. Russo, Gene, Jr.	114	\$1,229.48
18. Russo, Joseph	83	\$1,229.48
19. Russo, Lawrence	51	\$1,229.48
20. Russo, Tyler	68	\$1,229.48
21. Seebach, John	129	\$1,229.48
22. Skinner, Gregory	76	\$1,229.48
23. Skinner, John	100	\$1,229.48
24. Tiger, John	93	<u>\$1,229.48</u>
		\$29,507.52

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 104-15**

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Peapack & Gladstone, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a

certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Adopted: July 14, 2015

**BOROUGH OF PEAPACK & GLADSTONE****RESOLUTION NO.105-15**

PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE BOROUGH OF PEAPACK & GLADSTONE INTO A SINGLE ISSUE OF BONDS AGGREGATING \$1,400,000 IN PRINCIPAL AMOUNT

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PEAPACK & GLADSTONE AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough of Peapack & Gladstone, a municipal corporation of the State of New Jersey (the "Borough") authorized pursuant to the individual bond ordinances heretofore adopted and described as follows, shall be combined into a single and combined issue of bonds in the principal amount of \$1,400,000:

Principal Amount of Bonds To Be Sold	Bond Ordinance Number	Improvements Authorized and Bond Ordinance Adoption Date	Useful Life (years)
\$271,500	956	Providing for various capital improvements. Finally adopted on 6/14/11	7.69
\$170,500	973	Providing for various capital improvements. Finally adopted on 5/22/12	10
\$47,500	979	Providing for the reconstruction of a portion of Branch Road. Finally adopted on 9/25/12	10
\$309,500	992	Providing for various capital improvements. Finally adopted on 7/23/13	7.97
\$355,000	1004	Providing for various capital improvements. Finally adopted on 7/22/14	9.49
\$57,000	1007	Providing for the purchase of a dump truck. Finally adopted on 12/23/14	5



**BOROUGH OF PEAPACK & GLADSTONE****RESOLUTION NO.106-15**

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$1,400,000 GENERAL OBLIGATION BONDS OF THE BOROUGH OF PEAPACK & GLADSTONE AND PROVIDING FOR THEIR SALE

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PEAPACK & GLADSTONE AS FOLLOWS:

Section 1. The \$1,400,000 principal amount of bonds of the Borough of Peapack & Gladstone, a municipal corporation of the State of New Jersey (the "Borough") referred to and described in the resolution adopted on July 14, 2015, and entitled "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE BOROUGH OF PEAPACK & GLADSTONE INTO A SINGLE ISSUE OF BONDS AGGREGATING \$1,400,000 IN PRINCIPAL AMOUNT" (the "Combination Resolution"), shall be issued as general obligation bonds (the "General Obligation Bonds"). The General Obligation Bonds shall mature on July 15 in each of the years and principal amounts as follows:

<u>Year</u>	<u>Principal Amount</u>
2016	\$130,000
2017	\$145,000
2018	\$155,000
2019	\$165,000
2020	\$180,000
2021	\$195,000
2022	\$210,000
2023	\$220,000

The General Obligation Bonds are not subject to redemption prior to maturity. The General Obligation Bonds shall be issued with one certificate for each of the eight maturities, and shall be numbered GO-1 to GO-8.

Section 2. The General Obligation Bonds are referred to as the "Bonds".

Section 3. The Bonds will be issued in fully registered form. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants and the transfers of

the interests among its participants. Individual purchases may be made in multiples of \$1,000 thereof through book-entries made on the books and the records of DTC and its participants. The Bonds will bear interest payable on January 15, 2016, and semiannually thereafter on the 15th days of the July and January in each year until maturity at the rate or rates per annum in accordance with the notice of sale authorized herein. The principal of and the interest on the Bonds will be paid by the Borough to the registered owners of the Bonds as of July 1 and January 1 next preceding the date of such payments (the "Record Dates"). The Bonds shall be executed by the manual or facsimile signatures of the Borough's Mayor and its Chief Financial Officer, under the official seal affixed, printed, engraved or reproduced thereon and attested by the manual signature of its Clerk.

Section 4. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Borough to conform with the requirements of DTC:

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REGISTERED  
NUMBER GO-\_\_\_

REGISTERED  
\$

**UNITED STATES OF AMERICA**

**STATE OF NEW JERSEY**

**BOROUGH OF PEAPACK AND GLADSTONE**

**GENERAL OBLIGATION BOND**

DATE OF ORIGINAL ISSUE:	MATURITY DATE:	INTEREST RATE PER ANNUM:	CUSIP No.:
July 31, 2015	July 15, ___	___%	_____

BOROUGH OF PEAPACK & GLADSTONE, a municipal corporation of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO. on the Maturity Date specified above, upon presentation and surrender of this bond, the principal sum of \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_), and to pay interest on such sum from the Date of Original Issue of this bond until it matures at the Interest Rate Per Annum specified above on January 15, 2016 and semiannually thereafter on the 15th days of July and January in each year until maturity. Interest on this Bond will be mailed by the Borough to the registered owner of this bond (the "Registered Owner") as of the July 1 and January 1 next preceding the date of such payments. Principal of this Bond and redemption price, if any, when due, shall be paid to the Registered Owner upon presentation and surrender thereof to the Borough or paying agent.

No transfer of this Bond shall be valid unless made on the registration books of the Borough and by surrender of this Bond (together with a written instrument of transfer satisfactory to the Borough duly executed by the Registered Owner or by his or her duly authorized attorney) and the issuance of a new bond or bonds in the same form and tenor as the original bond except for the differences in the name of its Registered Owner and the denominations. The owner of any bond or bonds may surrender same (together with a written instrument of transfer satisfactory to the Borough duly executed by the Registered Owner or by his or her duly authorized attorney), in exchange for an equal aggregate principal amount of bonds of any authorized denominations.

The bonds are not subject to redemption prior to maturity.

This Bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey and a resolution of the Borough adopted on July 14, 2015, and entitled "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF

BONDS OF THE BOROUGH OF PEAPACK & GLADSTONE INTO A SINGLE ISSUE OF BONDS AGGREGATING \$1,400,000 IN PRINCIPAL AMOUNT” (the “Authorization Proceedings”).

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond, exist, have happened and have been performed, and that the issue of bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the Borough has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be affixed hereto and attested by the manual signature of its Clerk, all as of the Date of Original Issue as specified above.

[ SEAL ]

BOROUGH OF PEAPACK  
& GLADSTONE

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Chief Financial Officer

ASSIGNMENT

FOR VALUE RECEIVED \_\_\_\_\_ hereby assigns  
to \_\_\_\_\_

(Please Print or Type Name and Address of Assignee)

the within bond and irrevocably appoints \_\_\_\_\_, as Attorney, to transfer  
this bond on the registration books of the Borough, with full power of substitution and  
revocation.

NOTICE: The signature of this assignment  
must correspond with the name as it appears  
on the face of the within bond in every  
particular.

Dated:

Signature Guarantee:

\_\_\_\_\_

Section 5. The Bonds shall be sold by electronic bids via PARITY on July 24, 2015, at 11:30 AM by the Chief Financial Officer in accordance with the Notice of Sale authorized herein. The Borough's Clerk is hereby directed to arrange for the publication of the Notice of Sale in the form provided herein in The Courier News and to arrange for the publication of the Summary of Notice of Sale in the form provided herein in The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York, such publications to be not less than 7 days prior to the date of sale. Pursuant to N.J.S.A. 40A:2-34, the Borough hereby designates its Chief Financial Officer as the financial officer to sell and award the Bonds in accordance with the Notice of Sale authorized herein, and such financial officer shall report in writing the results of the sale to the Borough's governing body as required by law.

Section 6. The Notice of Sale shall be substantially in the following form:

[ REMAINDER OF PAGE INTENTIONALLY LEFT BLANK ]

**BOROUGH OF PEAPACK AND GLADSTONE, NEW JERSEY****NOTICE OF SALE OF \$1,400,000 GENERAL OBLIGATION BONDS****(BOOK-ENTRY BONDS) (BANK QUALIFIED) (PARITY BID)**

ELECTRONIC BIDS VIA PARITY will be received by the Chief Financial Officer of the Borough of Peapack and Gladstone, a municipal corporation of the State of New Jersey (the "Borough"), at the offices of the Borough, One School Street, Peapack, New Jersey 07977, on July 24, 2015, until 11:30 AM, at which time they will be publicly announced for the purchase of the following bonds of the Borough due on July 15 as follows (the "Bonds"):

## Maturity Schedule

<u>Year</u>	<u>Principal Amount</u>
2016	\$130,000
2017	\$145,000
2018	\$155,000
2019	\$165,000
2020	\$180,000
2021	\$195,000
2022	\$210,000
2023	\$220,000

To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact i-Deal LLC at 40 West 23d Street, 5th Floor, New York, New York 10010, Telephone No. (212) 404-8102.

All bidders for the Bonds must be participants of The Depository Trust Company, New York, New York ("DTC") or affiliated with its participants. The Bonds will be issued in book-entry form only, in the form of one certificate for the principal amount of Bonds of each series maturing in each year and will be payable as to both principal and interest in lawful money of the United States of America. Each Bond will be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository. The Bonds will be on deposit with DTC.

The Bonds will be dated the date of delivery and will bear interest at the rate or rates specified by the successful bidder therefor in accordance herewith, payable on January 15, 2016, and semiannually thereafter on the 15th days of July and January in each year until maturity to the registered owner of the Bonds as of the July 1 and January 1 next preceding each interest payment date. Principal on the Bonds and redemption price, if any, when due, shall be paid to the registered owners of the Bonds upon presentation and surrender thereof to the Borough or paying agent.

The Bonds are not subject to redemption prior to maturity.

Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds and the rate or rates named must be multiples of 1/8 or 1/20 of 1%. Not more than one rate may be named for bonds of the same maturity. There is no limitation on the number of rates that may be named. If more than one rate of interest is named, no interest rate named for any maturity may be less than the interest rate named for any prior maturity. Each proposal submitted must state the purchase price, which must be not less than the par amount of the Bonds to be delivered plus any premium. The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest net interest cost (the "Purchaser"). Such net interest cost shall be computed, as to each bid, by adding to the total principal amount of the Bonds offered for sale the total interest cost to maturity in accordance with such bid and by deduction therefrom of the amount of the premium, if any, bid. No proposal shall be considered that offers to pay an amount less than the principal amount of the Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest net interest cost to the Borough under any legally acceptable proposal.

The right is reserved to reject all bids, and any bid not complying with the terms of this notice will be rejected.

A Good Faith Deposit (the "Deposit") in the amount of \$28,000 is required for each bid to be considered. The Deposit may be in the form of either: (i) a certified, treasurer's or cashier's check payable to the order of "Borough of Peapack and Gladstone"; or (ii) a wire transfer of immediately available funds in accordance with the instructions set forth herein.

If a certified, treasurer's or cashier's check is used, it must be received by the Borough c/o Mary R. Robinson, Chief Financial Officer, One School Street, Peapack, New Jersey 07977 prior to the bond sale.

If a wire transfer is used, it must be received and confirmed received by the Borough **no later than 11:00 AM on July 24, 2015**, and should be sent to Peapack and Gladstone Bank, ABA # 021205237 to the credit of the Borough of Peapack and Gladstone Capital Account, Account # 400029494. No interest on the Deposit will accrue to the Purchaser.

Certified, treasurer's or cashier's checks or a wire transfer for the Deposit will be returned to the unsuccessful bidders. The unsuccessful bidders must advise the Borough, via email to [mrobinson@peapackgladstone.org](mailto:mrobinson@peapackgladstone.org), where to return the checks or wire transfer of the Deposit **no later than 1:00 PM on July 24, 2015**.

Award of the Bonds to the successful bidder or rejection of all bids is expected to be made within 2 hours after opening of the bids, but such successful bidder may not withdraw its proposal until after 2:00 PM of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

The Bonds will be delivered within 30 days of the date of sale at the law firm of Kraft & Capizzi, LLC, 505 Thornall Street, Suite 206, Edison, New Jersey 08837 (“Bond Counsel”) or at such other place as may be agreed upon with the successful bidder. PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE BY WIRE IN IMMEDIATELY AVAILABLE FUNDS.

The Purchaser at its option may refuse to accept the Bonds if prior to their delivery any change in the Internal Revenue Code of 1986, as amended (the “Code”) shall provide that the interest thereon is includable or shall be includable in gross income at a future date for federal income tax purposes. In such case the Deposit shall be returned and the Purchaser will be relieved of its contractual obligations arising from the acceptance of its proposal.

If the Bonds qualify for issuance of any policy of municipal bond insurance, the Purchaser may, at its sole option and expense, purchase such insurance. Any failure of the Bonds to be so insured shall not in any way relieve the Purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

It is anticipated that CUSIP identification numbers will be printed on the Bonds. The CUSIP Service Bureau charge for the assignment of the numbers shall be the responsibility of and shall be paid for by the Purchaser.

The obligation hereunder to deliver and to accept the Bonds shall be conditioned on the availability and the delivery, at the time of delivery of the Bonds, of the approving opinion of Bond Counsel, which will be furnished without cost to the successful bidder, such opinion to be substantially in the form set forth in the Official Statement distributed in preliminary form in connection with the sale of the Bonds and certificates in form satisfactory to that law firm evidencing the proper execution and delivery of the Bonds, the receipt of payment therefor, the compliance with the requirements of the Code necessary to preserve tax exemption, the completeness and accuracy of the information contained in the Preliminary Official Statement and the Official Statement, and the absence of litigation pending or (to the knowledge of the signer or signers thereof) threatened affecting the validity of the Bonds. A copy of the approving opinion will be attached to the Bonds.

The Bonds are subject to the requirements of Rule 15c2-12 adopted by the United States Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 (“Rule 15c2-12”) with respect to Secondary Market Disclosure. The Borough will execute and deliver at closing an undertaking, in a form approved by Bond Counsel, to provide Secondary Market Disclosure as set forth in Rule 15c2-12.

The Borough has authorized the distribution of a Preliminary Official Statement deemed final for purposes of Rule 15c2-12. The final Official Statement will be delivered to the Purchaser within seven business days following the sale of the Bonds.

The Purchaser will be required to certify the initial offering prices to the public (excluding bond houses and brokers) at which a substantial amount of the Bonds of each maturity were sold.

The Bonds will be qualified tax-exempt obligations for purposes of Section 265 of the Code.

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Mary P. Robinson  
Chief Financial Officer

Section 7. The Summary of Notice of Sale for the Bonds shall be substantially in the following form:

**SUMMARY OF NOTICE OF SALE**  
**BOROUGH OF PEAPACK AND GLADSTONE, NEW JERSEY**  
**\$1,400,000 GENERAL OBLIGATION BONDS**  
**(BOOK-ENTRY BONDS) (BANK QUALIFIED) (PARITY BID)**

Dated Date: July 31, 2015

Bid Date: July 24, 2015 at 11:30 AM, Award by 2:00 PM

Type of Sale: Electronic Bids via PARITY

Interest: Multiple Interest Rates

Maturity Schedule: The Bonds shall mature on July 15 as follows:

<u>Year</u>	<u>Principal Amount</u>
2016	\$130,000
2017	\$145,000
2018	\$155,000
2019	\$165,000
2020	\$180,000
2021	\$195,000
2022	\$210,000
2023	\$220,000

Legal Opinion: Kraft & Capizzi, LLC, Edison, New Jersey

Bid Security: Good Faith Check in the amount of \$28,000 payable to the "Borough of Peapack and Gladstone" or a wire transfer of immediately available funds must be received by the Borough prior to the bond sale as provided in the Notice of Sale.

The Preliminary Official Statement, Notice of Sale and other details are available at [www.i-dealprospectus.com](http://www.i-dealprospectus.com).

Section 8. The Bonds shall have attached thereto a copy of the approving opinion with respect to the Bonds that is to be rendered by the law firm of Kraft & Capizzi, LLC (“Bond Counsel”).

Section 9. Bond Counsel is authorized to arrange for the preparation of the Bonds and the printing of the Official Statement to be prepared by the Borough’s officials and T.M. Vrabel & Associates, LLC (the “Auditor”). Bond Counsel is also authorized to arrange for the distribution of the Preliminary Official Statement on behalf of the Borough to those financial institutions that customarily submit bids for such Bonds. The Borough’s Mayor and its Chief Financial Officer are authorized to execute any certificates necessary in connection with the distribution of the Official Statement.

Section 10. The Auditor is authorized to apply for a rating on the Bonds from Moody’s Investors Service.

Section 11. The Borough hereby covenants that it will comply with any conditions subsequent imposed by the Code in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds.

Section 12. The Borough is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC as may be necessary in order to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

Section 13. In the event that DTC determines to discontinue providing its service with respect to the Bonds or is removed by the Borough, and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be registered in the names of the beneficial owners under the book-entry system. Upon such registration, the beneficial owners will become the registered owners of the Bonds and the following provisions shall apply: (i) the Bonds shall be exchanged for an equal aggregate principal amount of bonds (in any authorized denomination, and in the same maturities of the Bonds) (the “Substitute Bonds”) upon surrender thereof at the office of the Borough or the paying agent; (ii) the transfer of any Bonds shall be registered on the books maintained by the Borough or the paying agent for such purposes only upon the surrender of the Bonds to the Borough or the paying agent, together with duly executed assignments in a form satisfactory to the Borough or the paying agent; and (iii) for every exchange or registration of transfer of the Bonds, the paying agent, if any, shall be reimbursed by the Borough for any charges required to be paid by the paying agent with respect to any such Substitute Bonds.

Section 14. The Borough shall enter into an undertaking to provide Secondary Market Disclosure as set forth in Rule 15c2-12 adopted by the United States Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934. The Chief Financial Officer and the Clerk are authorized to execute the undertaking on behalf of the Borough.

Section 15. This resolution shall take effect immediately.

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

Adopted: July 14, 2015

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 107-15**

RESOLUTION TO CANCEL SEWER CHARGES ON BLOCK 1, LOT 4.08 LOCATED AT 1 ROCKABYE VALLEY ROAD ACCOUNT #931-0 IN THE AMOUNT OF \$772.80

WHEREAS, the owner of Block 1, Lot 4.08, Richard Barfuss, located at 1 Rockabye Valley Road, has requested a review of the 2015 residential sewer billing; and

WHEREAS, sewer usage was based on the October-December water readings as normal; and

WHEREAS, the home was owned by Summit Capital Partners and during this timeframe the home was under construction; and

WHEREAS, the current homeowner has provided us with water readings from American Water since they moved in; and

WHEREAS, the current homeowner is using significantly less water; and

WHEREAS, the sewer committee has found this to be sufficient reason for adjusting the 2015 billing from \$1,650.56 to \$877.76; and

WHEREAS, this reduction caused an over billing in the amount of \$772.80 for the 2015 sewer charges.

NOW, THEREFORE BE IT RESOLVED, that the 2015 sewer charges in the amount of \$772.80 are hereby cancelled against Block 1, Lot 4.08, Account #931-0 and that the Tax Collector is authorized to apply this credit appropriately and be relieved of the collection of same.

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

Adopted: July 14, 2015

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 108-15**

AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF BEDMINSTER AND THE BOROUGH OF PEAPACK AND GLADSTONE FOR SENIOR VAN TRANSPORTATION SERVICE

WHEREAS, the Borough of Peapack & Gladstone (“Borough”) desires the Township of Bedminster (“Township”) to provide Senior Van Transportation Service to senior citizen residents of the Borough; and

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

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

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the agreement to provide Senior Van Transportation Service to the Borough of Peapack and Gladstone. Said Agreement is annexed hereto as Exhibit A.
2. Upon execution of the Agreement by the Borough of Peapack & Gladstone, the Borough Clerk shall forward said agreement to the Township of Bedminster for execution by the Township Council.
3. This agreement shall expire December 31, 2015
4. The Borough of Peapack & Gladstone shall pay the Township of Bedminster a per diem rate for this service of \$15 per day per rider to be paid on September 21, 2015, and January 1, 2016.

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

Adopted: June 23, 2015

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 109-15**

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 July 28, 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.

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

Adopted: July 14, 2015

**BOROUGH OF PEAPACK & GLADSTONE  
ORDINANCE NO. 1012**

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

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

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

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

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

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

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

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

Amending, (Ord. No. 795 § 2-31.1)

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

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

(Ord. No. 795 § 2-31.2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(New Section)

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

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

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

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

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

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

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

(Ord. No. 795 § 2-31.8)

**2-31.11 Probationary Officers.**

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

**2-31.12 Term of Office.**

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

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

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

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

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

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

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

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

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

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

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

6. Employment history, including job evaluations, disciplinary record, attendance and community contributions.
  7. Educational background.
  8. Results of written and oral examinations.
- d. The Mayor and Borough Council shall rank the applicants based on all of these factors, which shall be weighted as they deem appropriate. Promotions shall be offered to the candidates achieving the highest rank among those deemed fit for promotion. All other qualifications being equal between candidates, any candidate entitled to veterans preference shall be chosen. If two (2) candidates have equal scores and both are veterans, a Borough resident will be preferred over a nonresident.
  - e. The offer of promotion shall be contingent upon a physical and psychological examination by examiners chosen by the Mayor and the Borough Council. If the candidate is found to be physically or psychologically unfit to perform the duties of the superior office, he or she shall be disqualified and an offer subject to these conditions may be made to the next ranked candidate.
  - f. In the event that the foregoing procedures fail to result in filling of any position, or no lawfully qualified candidates are available as members of the Peapack and Gladstone Police Department, then the Police Committee may elect to fill such position or positions by first advertising and then testing and interviewing members of any Police Department who has served a total of five (5) years in any such Police Department. The testing and interviewing procedures for non-Borough Department candidates shall be the same as for Borough Department candidates provided, however, that the references and backgrounds of non-Borough Department candidates shall be investigated by the Borough Administrator and the Chief of Police prior to the interviews by the Mayor and the Borough Council.
  - g. The name or names of any candidates who successfully completed the testing and interviews who are not hired may be retained by the Borough for up to two (2) years. During such period, if a vacancy occurs, the Borough may, if it wishes, fill such vacancy from such prior successful applicants (first from Borough Department applicants) after such inquiry and interview as it deems appropriate.
  - h. Candidates for a promotion to the position of Sergeant shall also be governed by paragraphs a, b, c, e, f, and g. above. However the provisions of the PBA Contract in force at the time the promotional opportunity is announced shall supersede paragraph d. of this subsection.
- (Ord. No. 795 § 2-31.14; Ord. No. 826)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Introduced: July 14, 2015