

**MINUTES OF THE PEAPACK & GLADSTONE BOROUGH COUNCIL
JULY 28, 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 28 , 2015, at 7:30 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 and 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 and 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.

FLAG SALUTE

Mayor 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
Mark Corigliano
Gerald J. Gunning
T. William Simpson
Royal Smith
Anthony Suriano

Also present on the dais were Deputy Clerk Donna Bassman and Borough Attorney John Bruder.

MINUTES

Councilman Simpson made a motion that the reading of the minutes be dispensed with, and the minutes of the regular meeting of July 14, 2015, and the closed session of July 14, 2015, stand approved, as submitted, by the Borough Clerk, with minor changes, to the Mayor and Borough Council. Councilman Gunning seconded that motion.

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

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

PUBLIC COMMENT FOR NON-AGENDA ITEMS
MANSION IN MAY

BOROUGH OF PEAPACK & GLADSTONE COUNCIL RESOLUTION OF APPROVAL OF AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE APPLICANT, WOMEN’S ASSOCIATION OF MORRISTOWN MEDICAL CENTER, TO HOLD THE 2016 MANSION IN MAY DESIGNER SHOWHOUSE AND GARDEN EVENT AT NATIRAR MANOR HOME

Prudence Pigott, along with the committee from the Women’s Association of Morristown Medical Center, appeared before Council regarding their Special Use Permit to hold a Designer Showhouse and Gardens fundraiser. The event would be held at Natirar in April/May of 2016.

Borough Attorney John Bruder drafted a resolution which has met the approval of Ms. Pigott and Police Chief Greg Skinner. Shuttle vans will be used to take visitors to the site. Ms. Pigott stated that Chief Skinner would be in charge of traffic and safety for the duration of the event and that all volunteers would take direction from the police in terms of their locations on the premises while assisting with traffic and parking. Volunteers will not be permitted to direct traffic on any Borough streets, but solely on the grounds of the event. Mansions in May will hire local police for the busiest days, which would include opening day and Mothers’ Day. County personnel will also be on hand to assist.

Prudence thanked the Council for their advice and counsel. Mayor Muller expressed his extreme pleasure at having this wonderful event occur in Peapack & Gladstone for the second time, as the previous event was held at Blairsden.

Councilman Suriano moved to adopt resolution #111-15. Councilman Simpson seconded that motion.

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

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

Resolution #111-15 was adopted.
 A copy of resolution #111-15 is appended to the official minutes.

PRESENTATIONS

None

PETITIONS AND COMMUNICATIONS:

None

REPORTS OF BOROUGH OFFICERS FOR THE MONTH OF JUNE

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

CONSTRUCTION OFFICIAL: No report has been filed with the Borough Clerk.

ZONING OFFICIAL: No report has been filed with the Borough Clerk.

PUBLIC WORKS/SANITARY SEWER: No report has been filed with the Borough Clerk.

FIRE CHIEF: June report has been filed with the Borough Clerk.

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

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

TAX COLLECTOR/CFO: No report has been filed with the Borough Clerk.

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

LAND USE BOARD: No minutes have been filed with the Borough Clerk.

HISTORICAL PRESERVATION COMMISSION: Minutes have not been filed with the Borough Clerk.

ENVIRONMENTAL COMMISSION: Minutes have not been filed with the Borough Clerk.

GREEN TEAM ADVISORY COMMITTEE: No minutes have been filed with the Borough Clerk.

SHADE TREE COMMISSION: No minutes have been filed with the Borough Clerk.

OFFICE OF EMERGENCY MANAGEMENT: No report has been filed with the Borough Clerk.

RECREATION COMMISSION: June 11th minutes have been filed with the Borough Clerk.

OPEN SPACE COMMITTEE: June 15th minutes have been filed with the Borough Clerk.

TRAILS ADVISORY COMMITTEE: April 13th minutes have been filed with the Borough Clerk.

FARMLAND PRESERVATION AND AGRICULTURAL COMMITTEE: No minutes have been filed with the Borough Clerk.

IT ADVISORY COMMITTEE: No minutes have been filed with the Borough Clerk.

REPORTS OF COMMITTEES / RESOLUTIONS

FINANCE: *(Suriano/Corigliano)*

RESOLUTION TO REFUND PROPERTY TAX OVERPAYMENT ON BLOCK 5, LOT 19 IN THE AMOUNT OF \$1,969.53

Councilman Suriano moved to adopt resolution #112-15. Councilman Smith seconded that motion.

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

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

Resolution #112-15 was adopted.

A copy of resolution #112-15 is appended to the official minutes.

Councilman Suriano reported that Peapack and Gladstone has prepared for a bond sale of General Obligation Bonds. Two bid offerings were received, one from Morgan Stanley & Co., LLC and one from Roosevelt & Cross, Inc. A conference call was held which included Borough Auditor Tim Vrabel, Borough Administrator Hector Herrera, Bond Counsel John Kraft and Jason Capizzi, Borough CFO Mary Robinson and Councilman Suriano. Ms. Robinson selected Morgan Stanley as the more attractive bond sale firm, and the Council concurred.

Mr. Kraft suggested a press release regarding the success of the bond sale and offered to draft it at no charge to the Borough. Mayor Muller will review the press release and send a copy to the Bernardsville News, Star Ledger, Courier News and the Daily Record.

Mayor Muller expressed he is thrilled the Borough's bond rating was upgraded. He thanked Council for their excellent work in preparing the budget for 2015 and watching expenditures as this prepared the ground work for the bond sale to go forward.

SANITATION/SEWER: *(Smith/Caminiti)*

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

Councilman Smith moved to adopt resolution #113-15. Councilman Corigliano seconded that motion.

On call of the roll the following vote was cast:

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

Resolution #113-15 was adopted.

A copy of resolution #113-15 is appended to the official minutes.

BOROUGH PROPERTY: *(Corigliano/Smith)*

AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF CHESTER AND THE BOROUGH OF PEAPACK & GLADSTONE FOR FLEET MAINTENANCE SERVICES AT A RATE OF \$70 PER HOUR (\$105 PER HOUR OVERTIME RATE)

The Borough has drafted a Shared Services Agreement with Chester Township for fleet maintenance. Councilman Corigliano was not pleased with the \$70 per hour fee, as he felt that there should be more of a discount offered from one municipality to another. The fee is, however, considerably lower than the cost that a dealer would charge, and, therefore, he would give his approval.

Councilman Gunning was concerned about liability to the Borough, as Chester personnel would be driving Borough vehicles. Councilman Corigliano stated that as we are contracting with the Township of Chester for the vehicle service, all employees would be covered for liability under their municipality, respectively.

Councilman Suriano questioned the transport of vehicles to Chester. Public Works Superintendent Rodney McCatharn stated vehicles would be transported by Peapack & Gladstone personnel. All repair work would take place in Chester. The agreement will be revised to reflect this, and the Borough insurance carrier will be notified of the Shared Services Agreement.

Mr. McCatharn stated the agreement will be kept active for future repair needs even after the Borough hires a new mechanic on staff. A position became open after the retirement of Richard Beckhorn earlier this year.

Councilman Corigliano moved to adopt resolution #114-15. Councilman Smith seconded that motion.

On call of the roll the following vote was cast:

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

Resolution #114-15 was adopted.

A copy of resolution #114-15 is appended to the official minutes.

FIRE/INFORMATION SYSTEMS: (Simpson/Gunning)

Councilman Simpson informed Council there is an interest in ice skating by many people in the Borough. It seems that the pond very rarely freezes solid enough for skating at Liberty Park. He suggested that an existing earth berm at Komline Park be utilized in such a way where the frozen ground area can be flooded and made suitable for skating. A water source would be needed, and Councilman Simpson suggested that perhaps the fire hydrant on Apgar Avenue could have a line extend 100-300 feet to provide that source. Councilman Gunning reported that a “mini hydrant” is present on one of the trails and perhaps that could be accessed, and also mentioned that costs involved would need to be determined. Councilman Smith wondered if the baseball field could be flooded. Councilman Suriano mentioned infrastructure issues would also need to be considered so not to overburden the parking demands and traffic implications on Apgar Avenue.

Councilman Simpson requested Council approval to research the project and return to Council with findings. Council concurred.

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

- a. PUBLIC HEARING
- b. FINAL RESOLUTION

This ordinance was tabled at this time to allow for clarification of various issues.

A RESOLUTION AUTHORIZING RENEWAL OF LIQUOR LICENSES IN THE BOROUGH OF PEAPACK & GLADSTONE

Currently in the Borough, two liquor licenses are in a hold position, as they are proposed for sale. This is referred to as “pocketing” a license, until such time as there is a determination for future use.

The question arose as to whether liquor could be served in Liberty Park for possible events held by the Liberty Park Association. Councilman Gunning advised that this would be possible with a special license.

Councilman Gunning moved to adopt resolution #116-15. Councilman Simpson seconded that motion.

On call of the roll the following vote was cast:

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

Resolution #116-15 was adopted.

A copy of resolution #116-15 is appended to the official minutes.

ROADS/TRANSPORTATION: (Caminiti/Simpson)

Councilman Caminiti reported that paving work has been completed on Deer Path and Church Street, and that work would soon begin on Branch Road. Upcoming will be work on Mosle Road, and Councilman Corigliano stated that the Borough has been notified that grant money can be accessed for this project. \$175,000 is available to the Borough in an agreement which is valid for two years. The cost of the project would be approximately \$275,000.

LEGAL: (John E. Bruder, Esq.)

AN ORDINANCE AMENDING PORTIONS OF CHAPTER XXIII, ARTICLES I AND IV, TITLED "LAND DEVELOPMENT ORDINANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK AND GLADSTONE ELIMINATING CERTAIN CONDITIONAL USES IN DESIGNATED ZONES

A lengthy discussion took place regarding the proposed Land Development Ordinance which would eliminate certain conditional uses in designated zones. Councilman Smith stated he is not comfortable introducing the ordinance, as specifics regarding Matheny's submitted zoning change proposal and the master plan re-examination document had just been received this week. Councilman Gunning added these are two separate issues and the master plan re-exam elements need to be implemented. Councilman Smith advised he does not have the Land Use Board background that most of the other Council members do, as they have sat on the Board. He did not see the sense in implementing this one portion. Councilman Simpson also felt this is an issue that should not be rushed, and that he also is not well versed in land use issues. He also did not wish to see the ordinance pass on introduction at this meeting, and suggested more investigation is needed with the Matheny issues.

Councilman Caminiti agreed with Councilman Gunning that Matheny is a separate issue and it should not be coupled with the master plan. He said, however, that all Council people should feel they are well versed in the issues before voting for approval. Councilman Caminiti reiterated what Councilman Suriano suggested earlier, that perhaps meetings with Borough Planner John Szabo, Land Use Board Attorney Roger Thomas and Mr. Bruder would help in these efforts. Councilman Caminiti asked whether Councilman Smith and Councilman Simpson could be comfortable with the issues by September.

Councilman Smith made a motion to remove the 1st Reading of the Land Development Ordinance from the agenda, 2nd by Councilman Simpson.

On call of the roll the following vote was cast:

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

Councilman Suriano indicated his vote on whether to table the matter reflected the deference afforded to the Council members who requested additional time to conduct their requested due diligence.

Mr. Bruder informed the Council that in the case of a tie the Mayor may vote to break the tie.

Mayor Muller voted Nay and the tie was broken. The Mayor explained he felt there would be adequate time for the review of the ordinance by the proposed 2nd Reading date of September 22nd.

Councilman Gunning moved to adopt resolution #116-15. Councilman Corigliano seconded that motion.

On call of the roll the following vote was cast:

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

Resolution #116-15 was adopted.

A copy of resolution #116-15 is appended to the official minutes.

Attorney Bruder reported that he had been asked to draft a resolution to appoint the Liberty Park Association. After beginning to do so he determined that more information was needed in terms

of whether this would be an ad hoc committee, a private committee, and whether the Council would have any input as to the membership. Various subjects were brought into the discussion including membership expectations, the efficacy of past water treatment practices, the interaction the committee would have with the Council, the extent of project intervention to pond and park, financing sources, and whether there was a requirement to establish a 501c3 in the event private donations are solicited.

It was determined the proposed Liberty Park Association would operate as a private group and its membership would be open to all with no requirement to be a Borough resident. A Liberty Park Advisory Board was also proposed to be formed, comprised of Borough residents. The Association would make suggestions to the Board regarding projects in the park. The Advisory Board would report to the Council on the ideas presented and proposed projects. These groups would function in a similar fashion to the relationship between the Friends of the Library and the Library Advisory Committee.

Mayor Muller stated that he felt the Liberty Park Association should be permitted to have their meetings posted on the website and Councilman Corigliano commented that they could be listed under the clubs section. It was agreed that as the Association will be a private entity functioning on its own, there is no need for the Council to review their by-laws. It was agreed that the Association may use the meeting rooms in the Municipal Complex.

At the conclusion of the discussion Attorney Bruder advised that the Liberty Park Association would not require a resolution for its establishment. Details on the Liberty Park Advisory Committee would be considered at a later date.

MISCELLANEOUS COUNCIL BUSINESS:

RESOLUTION APPOINTING LIBERTY PARK ASSOCIATION

It was determined that the proposed Liberty Park Association would operate as a private group, and, as such, membership would be open to all, with no requirement to be a Borough resident. A Liberty Park Advisory Board was also proposed to be formed, comprised of Borough residents. The Association would make suggestions to the Board regarding projects in the park. The Advisory Board would report to the Council on the ideas presented and proposed projects. These groups would function in a similar fashion to the relationship between the Friends of the Library and the Library Advisory Committee.

Councilman Suriano asked, due to the fact that Mr. Bruder will be unable to attend the August 11 meeting, whether an attorney needs to be present. All concurred that an attorney would not be required.

Councilman Gunning agreed to contact Attorney Arthur R. Thibault, Jr. Esq. to attend the meeting to facilitate the Executive Session on personnel only.

Councilman Suriano asked for Council response regarding cancelling the second meeting in August, which would be Tuesday, August 25th. Council concurred. This will be advertised in the Bernardsville News and notified to the Courier News.

PUBLIC COMMENT

Mr. McCatharn stated that he would like to be advised as to when the Liberty Park Association meetings would be held. He would also like to be informed as to any issues with the current pond treatment so that any possible changes can be addressed accordingly. Councilman Smith agreed to email Mr. McCatharn the meeting dates. The meetings will be open to all and the dates of the meetings will be posted on the website.

AUDITING OF CLAIMS:

Councilman Smith motioned 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	Aye
Councilman Corigliano	Aye
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

ADJOURNMENT

On the motion of Councilman Smith, second by Councilman Gunning, the meeting adjourned at 9:50 p.m.

APPROVED:

DONNA M. BASSMAN
DEPUTY BOROUGH CLERK

WILLIAM MULLER
MAYOR

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 111

BOROUGH OF PEAPACK & GLADSTONE COUNCIL RESOLUTION OF APPROVAL OF AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE APPLICANT, WOMEN'S ASSOCIATION OF MORRISTOWN MEDICAL CENTER, TO HOLD THE 2016 MANSION IN MAY DESIGNER SHOWHOUSE AND GARDEN EVENT AT NATIRAR MANOR HOME

WHEREAS, on June 15, 2015, the Women's Association of Morristown Medical Center ("Applicant") filed an application to the Council of the Borough of Peapack & Gladstone for a Special Use Permit pursuant to Borough Ordinance 5-11; and

WHEREAS, the Application requests permission to use certain property located in the RE Rural Estate Zone of the Borough of Peapack & Gladstone (hereinafter the "Borough"), specifically, Block 28, Lot 24.02 (the "Property" or "Natirar Manor Home"), for a use which is not permitted in the RE Rural Estate Zone, namely, to host the Applicant's 2016 Mansion in May Designer Show House and Gardens fundraising event (the "Event") on the Property; and

WHEREAS, the Governing Body of the Borough of Peapack & Gladstone (the "Governing Body") has jurisdiction to hear the Application and may, in its discretion grant a Special Use Permit to an applicant; and

WHEREAS, in furtherance of its application, a presentation was made by the Women's Association at the June 23, 2015, Council Meeting (the "Presentation"), which Presentation included a PowerPoint presentation and contained certain representations as to the Event which have been relied upon by the Governing Body; and

WHEREAS, Public Hearing on the matter was held on July 14, 2015, after notice of said public hearing on the Application was properly provided by mail and by publication, in accordance with Borough Ordinance 5-11; and

WHEREAS, the Governing Body has made the following Findings of Fact:

I. Findings of Fact of the Governing Body

1. The Applicant seeks a Special Use Permit in order to hold the Event as a fundraiser for the purpose of supporting programs of Morristown Medical Center.
2. The review of the Application is within the jurisdiction of the Governing Body as it may, in its discretion, grant a Special Use Permit to an applicant to permit the temporary use of any property or structure for a purpose not otherwise permitted by the Revised General Ordinances of the Borough.
3. The Event for which the Special Use Permit is sought will be held from April 21, 2016 through May 31, 2016.

4. During the period beginning May 1, 2016, through and including May 31, 2016, the Event shall be open to the general public, and shall be operated in accordance with all of the conditions and restrictions set forth in Section II below.
5. After the conclusion of the Event, Applicant shall ensure that all of its activities on the site are concluded within ten (10) days (i.e. no later than June 10, 2016).
6. The Board of Chosen Freeholders of the County of Somerset has already considered and approved an application by Applicant to the County to hold this event at Natirar, which is situated on property owned by the County.
7. In considering an application for a Special Use Permit, the Governing Body of the Borough must satisfy itself that the "Conditions for Issuance" as set forth in Section 5-11.2 of the Borough Ordinance pertaining to the Issuance of a Special Use Permit have been met. The "Conditions for Issuance" require a finding that there is a unique or emergent situation which requires the permit; that the special use contemplated by the application shall not exert a substantially detrimental effect upon the uses of land and activities normally permitted in the district in which the activity is proposed; that the special use will not impair the welfare of the Borough or its residents; that the special use will be temporary in nature and not substantially undermine the Borough Master Plan and/or Land Development Ordinances; and that it will not substantially intrude into areas under Land Use Board control.
8. In making the above determination, the Governing Body is vested with the authority pursuant to Section 5-11.7 of its Borough Ordinances, to impose conditions on the approval of a Special Use Permit which are more restrictive than those conditions set forth in other provisions of the Revised General Ordinances of the Borough. Such conditions include, but are not limited to restrictions on noise, traffic, lighting, occupancy or capacity and/or hours of operation; security requirements; and similar conditions.
9. The Governing Body finds that the granting of the Application, subject to the restrictions and conditions imposed as set forth herein and in the Power Point presentation, will not exert a substantially detrimental effect upon the uses of land and activities normally permitted in the district in which the activity is proposed; that the special use will not impair the welfare of the Borough or its residents; that the special use will be temporary in nature and not substantially undermine the Borough Master Plan and/or Land Development Ordinances and does not substantially intrude into areas under Land Use Board control.

10. The Governing Body further finds that all of the representations made by the Applicant in its Application, its Presentation, and during the hearing with respect thereto, regarding the impact from the Mansion in May event at Natirar are an integral part of the Governing Body's finding that the Event will not exert a substantial detrimental impact upon the property in question or surrounding properties, nor will it impair the welfare of the Borough or the residents of the Borough.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body, having duly considered the representations of the Applicant as well as all concerns voiced by any residents during the public hearing on this matter, does hereby grant the special use permit requested by the Applicant, subject to compliance by the Applicant with the following conditions and restrictions:

II. Conditions and Restrictions Relating to the Event

- a. All representations made by Applicant in its PowerPoint presentation, and as are set forth in a written document prepared by Applicant entitled "Special Use Permit Application - Mansion in May 2016" which is attached hereto as Exhibit A, are incorporated as conditions upon which the special use permit is granted and by which Applicant shall be bound.
- b. Daytime visitors shall be transported to and from the Event by shuttle buses during the period from May 1, 2016, through May 31, 2016. All cars and vehicles belonging to visitors shall be parked at the USET facility on Fowler Road, and the Event may not be accessed by any visitor vehicles during this period unless any such visitor shall be designated by Applicant as a key participant or as otherwise set forth in subsection (c) below.
- c. There shall be limited onsite parking at Natirar for key Mansion in May participants and for evening events and weekday private tours. In no event shall onsite parking exceed the number of designated parking spots existing at Natirar and made available by County officials.
- d. Any and all shuttle buses transporting visitors or others to and from the Event will utilize the route as coordinated through the Peapack & Gladstone Chief of Police, as more specifically set forth in the Applicant's Special Use Permit Application.
- e. All visitors, shuttle buses, delivery trucks and any others participating in or supporting the Event shall access the Natirar property from its main entry on Main Street in the Borough.
- f. Shuttle buses shall operate between the hours of 8:30 a.m. and 5 p.m. daily from May 1, 2016-May 31, 2016. If needed for two preview events, shuttle buses may operate on two evenings between April 21 and April 30, 2016.
- g. No shuttle buses or delivery trucks will be permitted to idle on Main Street. Idling is restricted to the USET facility parking site off Fowler Road.
- h. All deliveries by delivery trucks or others shall be conducted during daylight hours.

- i. Local law enforcement officers shall be hired at the sole expense of Applicant and shall be compensated in a manner consistent with all applicable local ordinances and requirements. Such officers shall be utilized at the main entrance to the Natirar property and at other key intersections on busy days to assist in traffic safety. Utilization of local law enforcement officers as set forth herein shall be in a manner approved by the Peapack & Gladstone Chief of Police.
- j. Applicant shall also investigate and incorporate any additional safety and security personnel and measures as needed to assist the local police in traffic control and safety issues.
- k. Applicant shall also provide volunteers to assist with the smooth flow of shuttle buses entering and exiting the Natirar property when local law enforcement officers are not present. The use of any such volunteers shall also require the approval of the Peapack and Gladstone Chief of Police.
- l. Any liquor service shall comply with all state, county and local laws and regulations.
- m. Noise volume of the Event or any part thereof shall comply with all applicable local ordinances and regulations and in no event shall it exceed 38.5 decibels as set forth in the applicable municipal ordinance(s).
- n. Any lighting shall be consistent with all applicable state, county or local rules, regulations or ordinances, and must be utilized in such a manner so as not to disturb surrounding property owners or occupants.
- o. Any signs must comply with all local rules, regulations and ordinances pertaining to appropriate signage and must be utilized solely to direct parking and traffic flow. Such signage shall be posted no earlier than April 21, 2016, and shall be removed by June 1, 2016. The location and placement of any such signage must be reviewed and approved by the Peapack & Gladstone Police Chief prior to its installation.
- p. It is the sole responsibility of the Applicant to ensure the legal and physical availability of the roads within the Natirar property for the Event at all times; and
- q. This Special Use Permit may be revoked by the governing body if any of the foregoing conditions are violated.

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

Adopted: July 28, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 112

RESOLUTION TO REFUND PROPERTY TAX OVERPAYMENT ON BLOCK 5, LOT 19 IN THE AMOUNT OF \$1,969.53

WHEREAS, it was determined the house on Block 5, Lot 19 is located in Mendham Township; and

WHEREAS, the total assessment was reduced by \$268,100, beginning with the 2015 tax year, resulting in a reduction of the total 2015 taxes due; and

WHEREAS, payments already made by the owner, Gary & Kara Bossert created a tax overpayment for the year 2015 in the amount of \$1,969.53.

NOW, THEREFORE BE IT RESOLVED, that the finance officer is hereby authorized to refund the 2015 tax in the amount of \$1,969.53 to Gary & Kara Bossert.

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

Adopted: July 28, 2015

RESOLUTION NO. 113-15

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

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

WHEREAS, a sewer billing in the amount of \$132.50 for the 2015 2nd quarter was generated on this account; and

WHEREAS, this property is no longer rented; and

WHEREAS, this billing is the Borough’s responsibility and will not be enforceable through the tax sale process.

NOW, THEREFORE BE IT RESOLVED, that the 2015 2nd quarter sewer charges in the amount of \$132.50 are hereby cancelled against Block 20, Lot 1, Account #573-0 and that the Tax Collector is relieved of the collection of same.

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

Adopted: July 28, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.114-15

AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF CHESTER AND THE BOROUGH OF PEAPACK & GLADSTONE FOR FLEET MAINTENANCE SERVICES AT A RATE OF \$70 PER HOUR (\$105 PER HOUR OVERTIME RATE)

WHEREAS, the Borough of Peapack & Gladstone (“Borough”) desires the Township of Chester (“Township”) to provide fleet maintenance and repair services for its fleet of vehicles; and

WHEREAS, N.J.S.A 40 :8A-1 et seq. permits local units of the State to enter into a contract with any other local unit for the provision of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Township of Chester 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 Chester 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 with Chester Township to provide fleet maintenance and repair services for its fleet of vehicles to the Borough of Peapack & 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 Chester for execution by the Township Council.
3. This agreement shall expire January 21, 2016
4. The Borough of Peapack & Gladstone shall pay the Township of Chester a rate of \$70 per hour (\$105 per hour for overtime) for these services and shall submit payment within 30 days of receipt of monthly invoice.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti	X			
X		Mark Corigliano	X			
		Gerald Gunning	X			

		T. William Simpson	X			
	X	Royal Smith	X			
		Anthony Suriano	X			

Adopted: July 28, 2015

**SHARED SERVICES AGREEMENT
FLEET MAINTENANCE**

THIS AGREEMENT dated the _____ day of _____, 2015, is made BETWEEN the Borough of Peapack and Gladstone, whose principal business address is 1 School Road, Peapack, New Jersey (hereinafter "Peapack and Gladstone" or "Service Recipient"), and the Township of Chester, whose principal business address is 1 Parker Road, Chester, New Jersey (hereinafter "Chester" or "Service Provider") (hereinafter collectively "Parties").

WHEREAS, each of the Parties hereto is authorized pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., to enter into an agreement with other municipalities and/or local units to jointly provide for any lawful service; and

WHEREAS, the need exists in Peapack and Gladstone to enter into an Interlocal Services Agreement with Chester so that Chester is authorized to repair motor vehicles owned by Peapack and Gladstone; and

WHEREAS, the governing bodies of Peapack and Gladstone and Chester have authorized this Interlocal Agreement to be entered into; and

WHEREAS, this Agreement is executed pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and N.J.S.A. 40:8-1 et seq., and the Parties agree as follows:

1. Services Performed. The Township of Chester, Department of Public Works' Fleet Maintenance shall provide labor and repair services on Peapack and Gladstone vehicles at the rate of \$70.00 per hour. The Overtime rate would be \$105.00 per hour if requested by Peapack and Gladstone and such rate is disclosed by Chester prior to rendering the service.

2. Parts. Peapack and Gladstone will be responsible for any parts and/or fluids that may be needed. Parts will be purchased from local vendors under State contract when available.

3. Tires. Tires will be purchased under State contract pricing when available. The hourly labor rate will apply for tire change-overs performed by Chester.

4. Outside and Body Repairs. All outside and body repairs will be performed by State contract vendors when available. Prior to work being done at an outside repair shop, Chester is to receive written approval from Peapack and Gladstone for the vehicle to be transported and repaired at another location.

5. Labor Time. Chester will provide an estimate for repairs per industry guidelines prior to the signing of this contract. Any repairs that will require time exceeding the industry standard will be communicated to Peapack and Gladstone prior to work being performed.

6. Unscheduled Repairs. Unscheduled repairs will be billed at an hour-for-hour basis, plus parts and materials.

7. Pickup and Delivery. CDL (“Commercial Driver’s License”) drivers from Chester will be available to pick up and return vehicles outside of Peapack and Gladstone. Hourly rates will apply for this service.

8. Payment. The administration of scheduling and billing will be the responsibility of the Parties’ public works departments. Chester will bill Peapack and Gladstone on a monthly basis for all maintenance and repairs. All invoices for parts, etc., are to accompany the monthly invoices. Payment shall be made to Chester within thirty (30) days of receipt of monthly invoice providing that the billing times with the monthly

council bills list approval. The amount of the services for the calendar year are not to exceed \$12,000.00. If during the calendar year, the repairs could exceed \$12,000.00, both sides must agree to this before continuing any service during that calendar year.

9. Miscellaneous.

(a) As much notice as possible shall be given to Chester for the scheduling of maintenance and repairs. In the event of an emergency, every effort will be made to make the necessary repairs as quickly as possible. The timeframe for completion will be communicated to Peapack and Gladstone at the start of the repair. Peapack and Gladstone will reimburse Chester at the hourly rate for all emergency work, including the reimbursement of administrative fees where applicable.

(b) In the event that Chester is unable to perform necessary repairs or maintenance, every reasonable accommodation will be made to have the work completed by a State contracted, when possible, outside repair shop. No outside repairs will be made without approval from Peapack and Gladstone.

10. Duration. This Agreement shall be effective for a term not to exceed six (6) months, commencing on July 21, 2015. Either party can terminate this contract with a 30 day written notice delivered to the other party.

11. Affirmative Action. The Service Recipient agrees to adhere to Affirmative Action requirements of the State of New Jersey as set forth as **Exhibit "A"** and as provided by State Law.

12. Legal Action. The parties agree that in the event of legal action by either party, same shall be by Court proceedings and the parties hereby waive arbitration as a forum for resolution of any dispute.

13. Governing Law; Jurisdiction. This Agreement shall be construed under, subject to, and governed by the laws of the State of New Jersey, without regard to conflict of law principles.

14. Entire Agreement. This Agreement constitutes the sole and complete agreement among the Parties with respect to the settlement of this Action. None of the Parties are relying upon any representation, understanding, undertaking or agreement, whether oral or in writing, not set forth in this Agreement. This Agreement may not be amended, changed, altered, modified or terminated except in a writing signed by all the Parties hereto.

15. Headings. The headings contained in this Agreement are for convenience and reference purposes only and shall not be deemed to be a part of the Agreement or to offer the meaning or interpretation of this Agreement.

16. Exhibits. All documents referenced herein are made part of this Contract as if set forth in length herein.

17. Resolution. This Agreement is expressly contingent upon the adoption of a concurring resolution by the Service Recipient authorizing the execution of this Agreement.

18. Further Assurances. The Parties hereto agree to perform such other and further acts or things and to execute and deliver such other and further documents necessary and appropriate to effectuate the terms and objectives hereof.

19. Signatures. Both Parties have read and agree to this Agreement and the signatories hereto warrant and represent that they are legally authorized and empowered to enter into this Agreement on behalf of the Parties. The Parties hereby

signify their agreement to the above terms by their signatures below. All signatories to this Agreement represent that they have carefully read the Agreement, have had sufficient time to review this Agreement before signing it, and have had an opportunity to consult with and have consulted with an attorney prior to signing this Agreement.

BOROUGH OF PEAPACK AND GLADSTONE

RESOLUTION NO.115-15

AUTHORIZING RENEWAL OF LIQUOR LICENSES IN THE BOROUGH OF PEAPACK & GLADSTONE

WHEREAS, the following named have applied to the Mayor and Borough Council of the Borough of Peapack & Gladstone, County of Somerset, for renewal of Plenary Retail Consumption License for the licensing period beginning July 1, 2015 and ending June 30, 2016:

Gladstone Tavern, LLC 273 Main Street Gladstone, NJ 07934	1815-33-001-006	Fee: \$2,500
Essex Hunt Club, Inc. P.O. Box 335 48 Holland Road Peapack, NJ 07977	1815-33-003-002	Fee: \$2,500

WHEREAS, the following named have applied to the Mayor and Borough Council for renewal of Plenary Retail Distribution License for the licensing period beginning July 1, 2015 and ending June 30, 2016:

Westie Three Dog, LLC. t/a Peapack Fine Wines P.O. Box 310 159 Main Street Peapack, NJ 07977	1815-44-002-004	Fee: \$2,500
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WHEREAS, the following named have applied to the Mayor and Borough Council for renewal of Club License for the licensing period beginning July 1, 2015 and ending June 30, 2016

Somerset Hills Post 216- The American Legion 151 Route 206 Gladstone, NJ 07934	1815-31-008-001	Fee: \$63
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WHEREAS, the Mayor and Borough Council of the Borough of Peapack & Gladstone, County of Somerset and State of New Jersey, the licensing authority, has affirmatively found that:

1. No objection(s) has/have been received by the Borough Clerk of the Borough of the Borough of Peapack & Gladstone to the re-issuance of said licenses; and

2. The Borough Police Department Board of Health have no objection to the renewal of these licenses and are not aware of any circumstances that would prohibit the renewal of said
3. The Borough Clerk has proof of tax clearance as issued by the New Jersey Division of Taxation for said licenses

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Peapack & Gladstone, County of Somerset and State of New Jersey, that the aforesaid applications be approved and that the Borough Clerk be authorized and directed to issue said license forthwith.

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

Adopted: July 28, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

RESOLVED that the annexed:

Eliminating Conditional Uses In Designated Zones

ORDINANCE be introduced and that the Clerk now read publicly the title of the same as follows:

AN ORDINANCE AMENDING PORTIONS OF CHAPTER XXIII, ARTICLES I AND IV, TITLED “LAND DEVELOPMENT ORDINANCE” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK AND GLADSTONE ELIMINATING CERTAIN CONDITIONAL USES IN DESIGNATED ZONES

BE IT FURTHER RESOLVED, that the said pending ordinance be passed on first reading and advertised as required by statute fixing the 8th of September 2015 at 7:30 p.m. prevailing time on said day as the time and the Peapack & Gladstone Municipal Building at 1 School Street in said Borough as the place for hearing and final action; and

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.

FURTHER RESOLVED, that the Borough Clerk forward this ordinance to the Borough of Peapack and Gladstone Land Use Board for their meeting to be held 8/5/15 to review and prepare a recommendation.

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

Adopted: July 28, 2015

**BOROUGH OF PEAPACK AND GLADSTONE
ORDINANCE NO.**

AN ORDINANCE AMENDING PORTIONS OF CHAPTER XXIII, ARTICLES I AND IV, TITLED “LAND DEVELOPMENT ORDINANCE” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK AND GLADSTONE ELIMINATING CERTAIN CONDITIONAL USES IN DESIGNATED ZONES

WHEREAS, pursuant to the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1 et seq., a governing body of a municipality may adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon within the municipality; and

WHEREAS, consistent with the Municipal Land Use Law, a governing body of a municipality may elect to not only create, but also from time to time modify land use regulations; and

WHEREAS, in accordance therewith and further, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-89, a governing body of a municipality shall periodically provide for a general reexamination of its master plan and development regulations by the municipality’s Planning Board, and the governing body may thereafter elect to adopt any changes recommended as part of the general reexamination; and

WHEREAS, the governing body of the Borough of Peapack and Gladstone did so provide for a general reexamination of its master plan and development regulations by the Borough’s Land Use Board, acting in its capacity as Planning Board; and

WHEREAS, the Borough’s Land Use Board conducted a general reexamination of its master plan, and thereafter authored and adopted a Master Plan Development Regulations Periodic Reexamination Report (“Reexamination Report”) on January 29, 2015, which report made specific findings and recommendations; and

WHEREAS, the Reexamination Report set forth findings and recommended changes to the Master Plan; to wit, the elimination of particular conditional uses in certain zones; and

WHEREAS, and for the reasons as set forth therein, the Reexamination Report recommended the elimination of both public and private schools and houses of worship as permitted uses within the RR-1, RR-2, RR-3, RR-5 and the RE districts, and the elimination of a “Residential health care facilities in conjunction with a school” land use as a permitted conditional use from the RR-5 and the RE zoning districts; and

WHEREAS, the Borough Council finds that the proposed zoning changes as set forth above are supported by the findings as made by the Borough’s Land Use Board, and are otherwise appropriate to advance the health, safety and welfare of the Borough’s residents and property owners and are in the interests of good zoning and planning; and

WHEREAS, the Borough Council believes that it is in the best interests of the Borough and its residents that Chapter XXIII, Articles I and IV of the Borough of Peapack and Gladstone's Land Development Ordinance be amended as set forth herein to effectuate the recommendations as declared in the Reexamination Report; and

WHEREAS, the changes as set forth herein are consistent with the recommendations contained in the most recent periodic general reexamination of the Master Plan by the Land Use Board, thereby obviating the need for individualized notices to surrounding property owners in accordance with N.J.S.A. 40:55D-62.1

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

Section 1. Chapter XXIII of the Land Development Ordinance of the Borough of Peapack and Gladstone, Article IV, titled "Zoning", Sections 23-39.1(d)2, 23-39.1(d)3, 23-39.2(c)2 and 23-39.2(c)3 are hereby deleted in their entirety in order to implement the recommendations in the Reexamination Report for elimination of the following uses as permitted conditional uses within the RR-1, RR-2, RR-3, RR-5 and RE Zones: (i) "public or private schools approved by the State of New Jersey, Department of Education", and (ii) "houses of worship".

Section 2. Chapter XXIII of the Land Development Ordinance of the Borough of Peapack and Gladstone, Article IV, titled "Zoning", Sections 23 -39.1(d)4, 23-39.1(d)6, 23-40.10(b)2 and 23-40.10(b)3 are hereby deleted in their entirety in order to implement the recommendations in the Reexamination Report for elimination of the following uses as permitted conditional uses within the RR-5 and RE Zones: (i) "residential healthcare facilities in conjunction with a school", (ii) "assisted living residences", and (iii) "long-term care facilities including nursing care facilities and nursing homes".

Section 3. Chapter XXIII of the Land Development Ordinance of the Borough of Peapack and Gladstone, Article I, titled "General Provisions", Section 23-6.1 is hereby amended to eliminate the following definitions in their entirety: "Assisted living residence", "Long term care facility/ nursing facility/nursing home", and "Nursing facility/nursing home" in order to implement the recommendations in the Reexamination Report for elimination of the above uses as permitted conditional uses within the above-referenced zones.

Section 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15. The Borough Clerk shall execute any necessary Proofs of Service of the notices required by this section, and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Land Use Board of the Borough of Peapack and Gladstone for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Land Use Board, acting in its capacity as Planning Board, is directed to make and transmit to the Borough Council, within

thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 7. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 8. This Ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 116-15

RESOLVED that the annexed:

Eliminating Conditional Uses In Designated Zones

ORDINANCE be introduced and that the Clerk now read publicly the title of the same as follows:

AN ORDINANCE AMENDING PORTIONS OF CHAPTER XXIII, ARTICLES I AND IV, TITLED “LAND DEVELOPMENT ORDINANCE” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK AND GLADSTONE ELIMINATING CERTAIN CONDITIONAL USES IN DESIGNATED ZONES

BE IT FURTHER RESOLVED, that the said pending ordinance be passed on first reading and advertised as required by statute fixing the 8th of September 2015 at 7:30 p.m. prevailing time on said day as the time and the Peapack & Gladstone Municipal Building at 1 School Street in said Borough as the place for hearing and final action; and

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.

FURTHER RESOLVED, that the Borough Clerk forward this ordinance to the Borough of Peapack and Gladstone Land Use Board for their meeting to be held 8/5/15 to review and prepare a recommendation.

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

Adopted: July 28, 2015

