

**MINUTES OF THE PEAPACK & GLADSTONE BOROUGH COUNCIL
NOVEMBER 10, 2015, MUNICIPAL GYMNASIUM 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, November 10, 2015, at 7 p.m., in municipal gymnasium located 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 October 29, 2015, notice of the time change of this meeting was sent to the Bernardsville News and printed on November 5, 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
Mark Corigliano (arrived 7:15)
Gerald J. Gunning
T. William Simpson
Royal Smith
Anthony Suriano

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

MINUTES

Councilman Simpson made a motion that the reading of the minutes be dispensed with, and the minutes of the regular meeting of October 27, 2015, stand approved, as amended, by the Borough Clerk to the Mayor and Borough Council. Councilman Smith seconded that motion.

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

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

Councilman Simpson made a motion that the minutes of the executive session meeting of October 27, 2015, stand approved for content only, as submitted by the Borough Clerk to the Mayor and Borough Council. Councilman Smith seconded that motion.

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

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

PUBLIC COMMENT FOR NON-AGENDA ITEMS

No one wished to be heard.

PRESENTATIONS

None

PETITIONS AND COMMUNICATIONS:

None

REPORTS OF COMMITTEES / RESOLUTIONS

Mayor Muller revised the order of committee reports and moved the Police Committee report up, due to the fact that many members of the public came to the meeting to participate in the public hearing of the Police Organization ordinance.

POLICE

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 provided background information on this ordinance. He stated the purpose of this ordinance was to revise the organization of the Police Department so as to have the sergeant more involved in the operations of the department as opposed to the administration.

Councilman Gunning stated the other purpose of this ordinance was to revise the criteria for the selection of the next police chief so as to widen the pool of candidates.

On the motion of Councilman Gunning, second by Councilman Suriano, the public hearing of this ordinance was opened to the public.

Charles Sciarra, 3 Forest View Drive, stated he is an attorney who specializes in advocating for police officers. He asked Council to table this ordinance for 120 days so as to give Council an opportunity to meet with the Police Department. He offered to meet with Council and the Police Department, as an advisor to the PBA, and provide input on this ordinance. He stated the provisions of this ordinance would be costly to the Borough as it would bring on litigation by him.

Diane Close, 6 Ridge Road, stated she is a local business owner. She stated she did not understand the issue the police have. She stated she was troubled by having a person being appointed as a Public Safety Director as opposed to a Police Chief. She stated she was afraid this ordinance would reduce the security the Police Department provides the Borough. She stated that Council and the Police Department should be able to negotiate a settlement regarding this ordinance so as to avoid the cost of legal fees.

Terry Rogers, 7 West Ave, stated police all over the county are under attack. She stated that police are able to carry guns therefore do not need supervision. She asked that Council not to try to save money through the Police Department. She stated that the Police Department is understaffed. She stated that there should be someone staffing headquarters at all time. She stated the Police Department should have either a Public Safety Director or a Chief of Police, not both.

Shawn Murphy, who works for the Matheny School, stated there is a memorandum of agreement between the schools, the Borough, and the Police Department where the Department provides additional security. He stated there is a good working relationship with between the Matheny School and the Police Department. He stated he is not in favor of having a public safety director.

Peter Churchill, 45 Mendham Road, stated he recognizes the Police Department makes up the largest line item of the budget. He stated he approved of paying higher taxes so as to keep the Department moving forward. He stated he feels this ordinance is too much micromanagement by Council.

Kingsley Hill, Borough Office of Emergency Management, stated it is important for the Borough to be prepared for emergencies. He stated the governing body of a municipality is responsible for the strategy, not the tactics. He stated this ordinance creates seven bosses for the police chief. He stated no one on the Council has the experience to direct the operations of the Police Department. He stated that if Council does not have confidence in its personnel, then it should remove that person from the position. He stated adding a public safety director adds an extra layer of bureaucracy. He stated he disagreed with the elimination of the requirement of a college degree for a police chief.

Garvin Walsh, 4 Patriot Road, asked if there has been data on police calls, that would provide information as to when police patrols are most needed, that has been considered by Council when crafting this ordinance. He stated the data provided by the Police includes nonemergency calls. He asked if there was a need for corresponding supervision for nonemergency calls. He asked for clarification of the education requirement in this ordinance. Council informed him this ordinance would allow candidates with 60 college credits to be included in the selection process. Council provided more clarification on the chief-selection-process portion of this ordinance. Mr. Walsh stated he has had positive experiences with the Police Department. Mr. Walsh stated the Chief of Police reports to the Mayor and Council through the Police Committee so he does not have seven bosses. He stated that although Council does not have police experience, it is still their responsibility, under State law, to oversee the department. He stated that he does not understand the issue with having the Sergeant on patrol.

Bill Fasina, 15 Pheasant Run, stated that you cannot hold people accountable if you take away their responsibility. He stated he did not understand why the requirement of a college degree was removed for the selection of a new chief. He stated he did not understand why this ordinance was removing Veterans' Preference. Council informed him the purpose of the ordinance was to expand the pool of qualified candidates. He stated he wanted to see Council's instructions to Mr. Thibault.

Owen Duff, 4 Apgar Avenue and president of the local PBA, stated the union felt there are issues with this ordinance that it would prefer to resolve informally before any grievances and litigation are filed. He stated the PBA felt the proposed amendments violate the current contract. Council asked Mr. Duff to submit the concerns the PBA has with this ordinance. Council and Mr. Duff had a discussion on the current staffing of the PBA. Mr. Duff stated the Police Department was not adequately staffed. Council stated that the intent of this ordinance was to provide more

operational staffing by having the sergeant serve more in an operational role as opposed to an administrative role.

Mr. Duff stated Council did not consult with Chief Skinner on this ordinance. Council stated there had been discussions with him regarding this ordinance. Mr. Duff stated the Police Department should have been consulted when drafting this ordinance. Mr. Duff stated this ordinance eliminates three supervisory positions (lieutenant, sergeant, corporal) which contrasts Council position that the Department needs more supervision.

Chief Greg Skinner, Borough Chief of Police, stated he wanted to clarify Council's statement that he had agreed to change Sgt. Ferrante's schedule. He stated that he only agreed to look into changing the schedule. He stated that at the next meeting he informed Council that changing the schedule would not work. He stated that he is available to meet if Council wants to discuss this ordinance.

Dan Skurnick, 8 Brook Hallow Road, stated he did not understand why Council was asking the Police Department questions about the ordinance now, as opposed when the ordinance was being drafted. Council stated it felt there was a need to increase the efficiency of the Department by reducing administrative staff and increasing operations staff, specifically operational supervision. Mr. Skurnick stated that Council should provide the Department with all of the officers it needs. Council stated it needs to strike a balance between the needs of the Department and keeping taxes affordable.

John Tiger, Basking Ridge, stated he is a former police officer and does not agree with having a public safety director. He stated Council should meet with Chief Skinner to discuss ideas on how to improve the Police Department. Council asked Mr. Tiger his thoughts on the ordinance expanding the pool of eligible candidates for the selection to chief of police. Mr. Tiger stated he had not read the ordinance.

Council stated the perception that Council is acting in an antagonistic fashion towards the Police Department is unfounded.

Faye McFarlan, 15 Mendham Road, stated she is concerned with having a director of public safety because there is not any criteria listed for the position.

John Skinner, 20 Pottersville Road, stated he felt it was important to keep the Police Department properly staffed so as to ensure the protection of Borough residents. He also stated the people in the audience at the meeting understood the nuances of the ordinance and were in favor of raising taxes to provide the security to Borough residents.

Joan Dill, 10 Pfizer Drive, stated she would like Council to hold off on final adoption until it further reviews this ordinance with the Police Department.

The public portion was closed at 9: 45 p.m.

Mayor Muller provided additional comments on this ordinance and stated the Borough Council has the responsibility to manage the Borough in the most efficient manner possible. He stated that although there were about 100 people in the audience who were against this ordinance, the Governing Body is responsible to the entire Borough.

On the motion of Councilman Gunning, second by Councilman Suriano, this ordinance was tabled.

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

Mr. Thibault left the meeting at 9:49 p.m.

Council took a break at 9:50 p.m.

Council reconvened the meeting at 10:10 p.m.

FINANCE

RESOLUTION FOR 2015 YEAR END BUDGET TRANSFER

Councilman Suriano reviewed this resolution.

Councilman Suriano moved to adopt resolution #148-15. 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
Councilman Suriano	Aye

Resolution #148-15 was adopted.

A copy of resolution #148-15 is appended to the official minutes.

SANITATION/ SEWER

Councilman Smith reported that the Sewer Committee had a meeting with the Finance Department to discuss the current sewer rates. The Sewer Committee is not recommending an increase for 2016.

PROPERTY

Councilman Corigliano reported the Recreation Committee is having a Santa Claus visit on December 13, 2015. The Committee would like to place flameless luminaries around the pond in Liberty Park.

The Council concurred to approve this request.

FIRE/INFORMATION SYSTEMS

Councilman Simpson stated that there was no report.

Mr. Simpson left the meeting at 10:15 p.m.

ROADS/TRANSPORTATION

Councilman Caminiti reported Old Chester Road will be repaved by the end of the month.

LEGAL

Mr. Bruder stated he did not have a report.

MISCELLANEOUS COUNCIL BUSINESS

Discussion on timetable for completion of employee assessments with respect to budget and salaries

Council agreed to use the existing employee evaluation forms for 2015.

Discussion on newly identified properties targeted for Open Space acquisition

Council decided to table this discussion until 2016.

PUBLIC COMMENTS

No one wished to be heard.

EXECUTIVE SESSION

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS LITIGATION

Councilman Gunning moved to adopt resolution #149-15, which authorized for a closed session to discuss personnel. Councilman Suriano seconded that motion.

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

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

Resolution #149-15 was adopted.

A copy of resolution #149-15 is appended to the official minutes

Council convened in closed session at 10:27 p.m.

Council reconvened in open session at 11:25 p.m.

Council concurred to send Councilman Suriano and Councilman Caminiti to the Federal settlement conference in the Matheny School litigation. Councilmen Suriano and Caminiti abstained.

Council concurred to appoint Francesco Taddeo as the public defender of the shared municipal court Bernardsville and Bedminster. A resolution will follow at a later meeting.

Council concurred to appoint Miles S. Winder, III, as the municipal prosecutor of the shared municipal court Bernardsville and Bedminster. A resolution will follow at a later meeting.

AUDITING OF CLAIMS:

Councilman Corigliano 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 Smith seconded that motion.

ADJOURNMENT

On the motion of Councilman Smith, second by Councilman Caminiti, the meeting adjourned at 11:30 p.m.

APPROVED:

HECTOR HERRERA

WILLIAM MULLER

BOROUGH CLERK

MAYOR

finance 1

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 148-15

AUTHORIZING BUDGET TRANSFERS FOR FISCAL YEAR 2015

WHEREAS, there appears to be insufficient funds in the following account (exception the appropriation for Contingent Expenses or Deferred Charges) to meet the demands thereon for the balance of the Current Year,

Legal General	5-01-20-155-592	O/E	\$20,000.00
General Engineering	5-01-20-165-425	O/E	\$20,000.00
Fire Hydrant Service	5-01-25-265-992	O/E	\$ 100.00
Municipal Court	5-01-43-490-101	S/W	\$ 1,200.00

WHEREAS, there appears to be a surplus in the following accounts (excepting the appropriation for Contingent Expenses, Deferred Charges, Cash Deficit of Preceding Year, Reserve for Uncollected Taxes, Down Payments, Capital Improvement Fund of Interest and Debt Redemption Charges) over and above the demand deemed to be necessary for the balance of the Current Year,

Administration	5-01-20-100-220	O/E	\$40,000.00
Fire Department-UFC	5-01-25-265-660	O/E	\$ 100.00
Police	5-01-25-240-101	S/W	\$ 1,200.00

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of R.S. 40A:4-58, part of the surplus in the account heretofore mentioned be, and the same hereby transferred, to the account (excepting the appropriation for Contingent Expenses, Deferred Charges) mentioned as being insufficient, to meet the current demands.

BE IT FURTHER RESOLVED that the Finance Officer be and is hereby authorized and directed to make the following transfers:

<u>FROM:</u>	<u>TO:</u>	<u>AMOUNT:</u>
Administration O/E	Legal General O/E	\$20,000.00
Administration O/E	General Engineering O/E	\$20,000.00
Fire Department-UFC O/E	Fire Hydrant Service O/E	\$ 100.00
Police S/W	Municipal Court S/W	\$ 1,200.00

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: November 10, 2015

BOROUGH OF PEAPACK AND GLADSTONE

RESOLUTION NO. 149-15

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:

- **LITIGATION**

The matters considered in this Executive Session can be released to the public when the reasons for discussing and acting on it in closed session no longer exist.

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

Adopted: November 10, 2015