

**MINUTES OF THE PEAPACK & GLADSTONE BOROUGH COUNCIL  
OCTOBER 27, 2015, COUNCIL CHAMBERS 7:30 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, October 27, 2015, at 7:30 p.m., in Council Chambers 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.

**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  
Gerald J. Gunning (arrived 7:35)  
T. William Simpson  
Royal Smith  
Anthony Suriano

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

**MINUTES**

Councilman Corigliano made a motion that the reading of the minutes be dispensed with, and the minutes of the regular meeting of October 13, 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	Aye
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye (Councilman Suriano abstained from the portion of minutes where he was not present at the meeting)

Councilman Corigliano made a motion that the minutes of the executive session meeting of October 13, 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	Aye
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

**PUBLIC COMMENT FOR NON-AGENDA ITEMS**

Rick Barfus, 1 Rockabye Road, asked Council if it would be adhering to chapter 17-4.10 (Maintenance and Repair) of the Borough Code that addresses Stormwater Control. Mr. Bruder advised Mr. Barfus to have his attorney contact him to discuss.

**PRESENTATIONS**

William K. Mosca, Jr. of the law firm Bevan, Mosca & Giuditta, P.C. located in Basking Ridge – American Water Works Company, Inc., / Environmental Disposal Corp., Settlement

Mr. Mosca came before Council to provide an update and review a settlement regarding the Borough’s interest in American Water’s purchase of EDC. He informed Council the settlement included an agreement from American Water for a five-year rate freeze after they successfully acquire EDC. He informed Council that American Water was looking to close on the purchase by December.

Mr. Mosca informed Council another part of the agreement will have American Water review their uncollectibles and assess how it can lower their uncollectible rate. Council discussed this aspect of the agreement and asked Mr. Mosca if the more definitive language could be put into the agreement before the Borough signed the agreement. Mr. Mosca informed Council the other municipalities affected by this transaction which he represents (Bedminster, Bernards, Far Hills) had already agreed to the settlement. Additionally, he did not think American Water would be agreeable to adding this to the settlement.

Mr. Mosca informed Council American Water will continue and expand upon EDC’s program to reduce Infiltration and Inflow into the sewer system. He stated American Water will assess drains and work with the Borough in an effort to lower costs. He stated the language allowed for the Borough to request American Water take measures to reduce I&I. If American Water refused these recommendations, it could be used against American Water during the next rate case it brought to the Board of Public Utilities.

Council asked Mr. Mosca if the charge the Borough must pay to American Water for information used to set the sewer rate would be eliminated with this merger. Mr. Mosca stated the Borough would still be charged the fee until they started operating as one company.

Mr. Mosca asked Council to pass an authorizing resolution for the agreement.

**APPROVING STIPULATION OF SETTLEMENT BY AND AMONG AMERICAN WATER WORKS COMPANY, INC., ENVIRONMENTAL DISPOSAL CORP., THE NEW JERSEY DIVISION OF RATE COUNSEL, STAFF OF THE NEW JERSEY BOARD OF PUBLIC UTILITIES AND THE TOWNSHIPS OF BEDMINSTER, BERNARDS, THE BOROUGH OF FAR HILLS, AND PEAPACK & GLADSTONE**

Councilman Smith moved to adopt resolution #138-15. 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 #138-15 was adopted.

A copy of resolution #138-15 is appended to the official minutes along with the stipulation of settlement.

Cm. Corigliano stated that he would vote “Aye” as he was aware that the settlement would be approved; but that he felt that the agreement was not written properly.

**PETITIONS AND COMMUNICATIONS:**

None

**REPORTS OF COMMITTEES / RESOLUTIONS**

FINANCE

A RESOLUTION TO CANCEL THE UNEXPENDED BALANCES OF THE RESERVE FOR PRELIMINARY EXPENSES FOR THE KOMLINE RECREATIONAL FACILITIES IN THE AMOUNT OF \$7,212.75 AND THE RESERVE FOR PRELIMINARY EXPENSES FOR THE HIGHLAND AVENUE SIDEWALK PROJECT IN THE AMOUNT OF \$6,626 AND RETURN THE CANCELED BALANCE TO THE CAPITAL IMPROVEMENT FUND THE AMOUNT OF \$13,838.75

Councilman Suriano reviewed this resolution.

Councilman Suriano moved to adopt resolution #139-15. 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 #139-15 was adopted.

A copy of resolution #139-15 is appended to the official minutes.

RESOLUTION TO CANCEL 2014 DRIVE SOBER OR GET PULLED OVER GRANT IN THE AMOUNT OF \$5,700 AND 2015 DRIVE SOBER OR GET PULLED OVER IN THE AMOUNT OF \$1,200

Councilman Suriano reviewed this resolution and offered some background information on grant activity for the Council. In 2014 the grant award was for \$7,500; \$1,800 was utilized and the reserve was then \$5,700. In 2015 the grant award was \$5,000; \$3,800 was utilized and the reserve was \$1,200.

Councilman Suriano moved to adopt resolution #140-15. 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 #140-15 was adopted.

A copy of resolution #140-15 is appended to the official minutes.

AUTHORIZING THE BOROUGH TO SUBMIT A GRANT APPLICATION FOR MUNICIPAL AID TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WILLOW AVENUE RESURFACING PROJECT (MA-2016-WILLOW AVENUE RESURFACING PROJECT-00704)

Councilman Suriano reviewed this resolution and stated that this is the first of two resolutions regarding the grant application, and is required by ordinance.

Councilman Suriano moved to adopt resolution #141-15. Councilman Corigliano seconded that motion.

Cm. Gunning stated that Willow Avenue will be paved from Main Street to the top of the hill, not the entire length, as part of the street had been paved previously. Cm. Suriano added that the resurfacing will be from the intersection of Main Street to .66 miles east. Mayor Muller asked when the paving would take place; and Cm. Gunning advised that a grant is only awarded every two years, so there would not be any award this year. Cm. Corigliano concurred, stating that since the Borough was awarded the grant money for the Mosle road paving, no award would be received this year.

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 #141-15 was adopted.

A copy of resolution #141-15 is appended to the official minutes.

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WILLOW AVENUE RESURFACING PROJECT (MA-2016-WILLOW AVE RESURFACING PROJECT-00704)

Councilman Suriano reviewed this resolution and stated that this is the second of two resolutions regarding the grant application, and that this resolution will be attached to the actual grant application.

Councilman Suriano moved to adopt resolution #142-15. Councilman Corigliano seconded that motion.

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

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

Resolution #142-15 was adopted.  
 A copy of resolution #142-15 is appended to the official minutes.

**AUTHORIZING BOROUGH POLICE DEPARTMENT TO PARTICIPATE IN SOMERSET COUNTY PROSECUTOR’S OFFICE DWI PATROL SAFE PASSAGE GRANT**

Councilman Suriano moved to adopt resolution #143-15. Councilman Corigliano seconded that motion.

Councilman Suriano reviewed this resolution and stated that this grant would allow each agency two patrols of four hours in length. Patrolling would begin at 8:00 pm on Friday, October 30<sup>th</sup> and continue until 4:00 am on Sunday, November 1<sup>st</sup>. Mayor Muller asked for clarification and Cm. Suriano explained that patrol hours would be form 8:00 am on Friday until 4:00 am on Saturday. The same schedule would apply from Saturday night into Sunday. Officers would receive \$50 per hour, which would come to a total of \$400 in possible grant money to be received.

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 #143-15 was adopted.  
 A copy of resolution #143-15 is appended to the official minutes.

**RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2015 BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) - 201 SOMERSET COUNTY PROSECUTOR’S OFFICE DWI PATROL SAFE PASSAGE GRANT IN THE AMOUNT OF \$400**

Councilman Suriano moved to adopt resolution #144-15. 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 #144-15 was adopted.

A copy of resolution #144-15 is appended to the official minutes.

#### DISCUSSION ON TRACKING ESCROW ACCOUNTS

Councilman Suriano began the discussion by reporting that he and Councilman Corigliano recently reviewed the fees for applications submitted to the Land Use Board. Sharing their findings with Borough Administrator Hector Herrera and CFO Mary Robinson, it was determined that fees, more than likely, have not been adjusted in fifteen or more years. A better program for monitoring the escrow fees, to ensure that the applicants are maintaining and replenishing them, as appropriate to each application, was found to be in order. Councilmen Suriano and Corigliano are working on a program to track the escrow fees through the finance office.

Councilman Suriano noted that perhaps Holly Robinson, finance office, would be responsible to set up and maintain the account so that it does not fall short. This may involve a revisit to her salary, he added. Mayor Muller advised that there is a one hour webinar that would be beneficial for Ms. Robinson to participate in.

Councilman Suriano stated that Mary Robinson has the proposed escrow fee schedule as suggested by the finance committee which will be subject to review and approval by the full Council before its enactment. Currently, the application and escrow fees can become almost exhausted before the application comes before the Land Use Board. There is a need to be sure that fees will cover the costs of professionals reviewing the application. Councilman Smith asked if there are any applications that are “under water.” There are a few, but not many, replied Councilman Suriano. Mayor Muller added that this seems like a good way to get a handle on the escrow fees with the finance office handling this, rather than having the construction office oversee them.

Councilman Suriano reminded the Council that the first meeting on the 2016 budget is scheduled for November 23<sup>rd</sup>, and he will have a spreadsheet prepared including all of the appropriate expenses and encumbrances. The plan is to accomplish a lot in one night and work at a faster pace than in previous budget meetings. He asked that all be sure that their departments are ready to submit their budgets in November.

#### SANITATION/ SEWER

Councilman Smith reviewed this resolution which involves the cancellation of the sewer charges on the Komline property at 32 Apgar Avenue.

Councilman Smith moved to adopt resolution #145-15. Councilman Caminiti 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 #145-15 was adopted.

A copy of resolution #145-15 is appended to the official minutes.

**PROPERTY**

Councilman Corigliano indicated that there were two applications submitted by the Recreation Commission, the first being for the “open gym.” This application was tabled at the last meeting as more information was needed. A discussion ensued regarding fees and state statutes, with the end result being that in order to pay Diane Becker, Recreation Director, from the recreation trust fund, a fee must be charged per participant. Councilman Simpson added that it is a simple process; parents bring the child to the program and pay a \$5.00 fee. This solution will work well with the statute.

The Council concurred to approve this application.

The second application from the Recreation Commission was for the use of the scout cabin during the “Santa Visit”, rather than the previous use of the Methodist church. The church has closed and the building will be unavailable.

The Council concurred to approve this application.

**DISCUSSION OF WINDOW REPLACEMENTS IN THE MUNICIPAL BUILDING**

Councilman Corigliano started the discussion, stating that the windows in the Council room, corridor and men’s room should be replaced. Borough Engineer, Bill Ryden was consulted, and \$30,000 was allotted in the capital plan in the 2015 budget. Councilman Corigliano advised that the windows would be like the windows which were recently replaced in the gym and the police offices. Mayor Muller asked if the windows are working out well in the police offices. Detective Duff advised that the windows were not planned well, and, as an example, today it was 80 degrees in the offices and the windows do not open.

After further discussion, it was with Council concurrence that Councilman Corigliano will move the project forward; asking Public Works Manager, Rodney McCatharn, to prepare to go out to formal bid.



Councilman Corigliano advised that a recent field use application from In the Zone soccer was approved by Council for the set fee of \$25 per day. A request for the list of participants was received. The roster indicated that there were no participants from Peapack & Gladstone. This is something to be considered for the future.

**FIRE/INFORMATION SYSTEMS**

Councilman Simpson stated that there was no report.

**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 moved to introduce Ordinance 1014. Councilman Suriano seconded that motion.

The Clerk stated the public hearing for this pending ordinance will be held November 10, 2015, at 7:00 pm, in the Council Meeting Room of the Municipal Complex located at 1 School Street, Peapack, and will be advertised in the Bernardsville News and posted on the official bulletin board in the Municipal Complex.

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

Ordinance #1014 was introduced.

A copy of ordinance #1014 is appended to the official minutes.

Councilman Gunning moved to adopt resolution #146-15. 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 #146-15 was adopted.

A copy of resolution #146-15 is appended to the official minutes.

**MISCELLANEOUS COUNCIL BUSINESS**

Councilman Smith advised that Pfizer has offered volunteers to work on any project to benefit the community on November 17 or 18<sup>th</sup>. The Environmental Commission has requested that the volunteers work on clearing invasive species of plants from Rockabye Meadow Park. Administrator Herrera will look into any insurance issues which may arise.

Councilman Smith, on behalf of the Liberty Park Association, thanked the Council for their quick approval of the tree work in Liberty Park. Two fifty foot tall sycamores were taken out this week, as they were rotted through, which is a hazardous condition.

Councilman Smith stated that JCP&L would be shutting down power on Thursday, October 29<sup>th</sup>, with no reason given. Administrator Herrera will contact Rob Walton, the Borough's liaison, to determine what work is being done. This information will be posted on the Borough website.

**PUBLIC COMMENTS**

No one wished to be heard.

**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.

There was a discussion regarding the rise in healthcare rates, with Councilman Smith stating that most employees are covered by NJ Direct 15 through Horizon Blue Cross/Blue Shield. The rates for singles rose by 4.4% this year and by 8.3% for families. Councilman Simpson suggested looking into other policies, and Councilman Smith added that Somerset Hills School District has seen significant savings by going with a private insurance policy. Councilman Smith said that this is a major decision, and once out of the State Health Benefits program you cannot rejoin for five years. He suggests that a sub-committee would need to be formed to study this matter.

**RE-OPEN PUBLIC COMMENTS**

James Heck, 6 Pheasant Run, asked to address the Council and Public Comments was re-opened. In Mr. Heck's experience, the rates on a private policy are offered at great savings for the first couple of years; and then they increase dramatically in the remaining two to three years, as the private companies realize that State Health Benefits will not allow a group to rejoin for five years.

Dr. Sprott, Matheny Medical and Educational Center, added that many establishments have seen double digit increases in healthcare costs, and that 8% is not as large an increase as it may seem.

**CLOSE PUBLIC COMMENTS**

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

**EXECUTIVE SESSION**

**RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS LITIGATION**

Councilman Gunning moved to adopt resolution #147-15, which authorized for a closed session to discuss personnel. 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 #147-15 was adopted.

A copy of resolution #147-15 is appended to the official minutes

Council convened in closed session at 9:35 p.m.

Council reconvened in open session at 10:35 p.m.

**ADJOURNMENT**

On the motion of Councilman Gunning, second by Councilman Smith, the meeting adjourned at 10:36 p.m.

APPROVED:

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HECTOR HERRERA

WILLIAM MULLER

BOROUGH CLERK  
Sewer 1

MAYOR

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 138-15**

APPROVING STIPULATION OF SETTLEMENT BY AND AMONG AMERICAN WATER WORKS COMPANY, INC., ENVIRONMENTAL DISPOSAL CORP., THE NEW JERSEY DIVISION OF RATE COUNSEL, STAFF OF THE NEW JERSEY BOARD OF PUBLIC UTILITIES AND THE TOWNSHIPS OF BEDMINSTER, BERNARDS, THE BOROUGH OF FAR HILLS, AND PEAPACK & GLADSTONE

WHEREAS, on April 29, 2015, American Water and EDC (collectively “Joint Petitioners”) filed a Verified Joint Petition (“Petition”) with the New Jersey Board of Public Utilities (“Board”) seeking approvals related to American Water’s proposed acquisition from The Hills Development Company (“Hills”) of all the shares of common stock of EDC, a public utility engaged in the collection and treatment of sewage generated within its service territory in portions of Bedminster and Bernards Townships and the treatment of sewage delivered to its treatment plant by the Township of Bedminster (from areas outside EDC’s franchise territory) and the Boroughs of Far Hills and Peapack & Gladstone (“the Transaction”); and

WHEREAS, the proposed Transaction is set forth in a Stock Purchase Agreement between American Water and Hills dated February 25, 2015, which provides that, subject to obtaining regulatory approvals and the satisfaction of certain other conditions, American Water shall acquire all of the outstanding capital stock of EDC, which will result in American Water’s acquisition of 100% control of EDC; and

WHEREAS, the Petition was served upon the Secretary of the Board, Rate Counsel, and the municipalities in which or to which EDC provides sewer service, the Townships of Bedminster and Bernards, and the Boroughs of Far Hills and Peapack & Gladstone; and

WHEREAS, as a result of the Transaction, EDC will become a direct subsidiary of American Water and continue to exist as a public utility subject to the jurisdiction and regulation of the Board. The Petition was filed pursuant to *N.J.S.A. 48:2-51.1*, which requires written Board approval for any person to acquire control of a public utility and *N.J.S.A. 48:3-10*, which requires Board approval for a public utility to transfer its stock to another corporation where the result of such transfer is to vest in such corporation a majority of the outstanding capital stock; and

WHEREAS, in addition, American Water sought: (i) authorization and approval of the journal entries necessary to record the accounting treatment of the Transaction; (ii) approval of American Water Works Service Company, Inc.’s (“AWWSC”) provision of management services to EDC on an interim basis with such costs being allocated according to the same methodology the Board has approved for similar costs to be allocated to New Jersey American Water Company (“NJ American”), and that a summary of such annual charges to EDC is reported in its Annual Report to the Board; and (iii) Board approval for EDC after Closing to

enter into a financial services agreement with American Water Capital Corp. (“AWCC”) with terms substantially similar to the terms of the Board-approved agreement between NJ American and AWCC; and

WHEREAS, American Water is not seeking any changes in EDC’s rates or terms of service to customers and has agreed that if the Transaction is consummated, **and EDC will not file a petition with the Board to increase rates to franchise customers or municipal bulk services customers for a period of five (5) years from the closing date.** American Water has further stated that it will honor EDC’s contract with Applied Water Management (“AWM”) for operation of the EDC sewer system and that it intends to negotiate an extension of said agreement; and

WHEREAS, the Borough of Peapack & Gladstone has reviewed the Petition, responses to discovery and has conducted and participated in the discussions in an effort to reach a proposed settlement of all issues in the proceeding; and

WHEREAS, all Parties have agreed to reasonably, fully and finally resolve all factual and legal issues in this matter by way of this Stipulation, including Bedminster Township.

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

1. The terms and conditions of the Stipulation attached hereto are hereby approved and confirmed.
2. The Borough Council of the Borough of Peapack & Gladstone hereby authorizes William Mosca, Esq., to execute on behalf of the Township the Stipulation.
3. This resolution shall take effect immediately.

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

Adopted: October 27, 2015

**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES**

**In the Matter of the Joint Petition of American Water Works Company, Inc. and Environmental Disposal Corp., for Among Other Things, Approval of a Change in Control of Environmental Disposal Corp. :** **BPU Docket No.WM15040492**  
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**APPEARANCES:**

Jordan Mersky, Esq., Chief Mergers & Acquisitions Counsel and Robert J. Brabston, Esq., Corporate Counsel, for Co-Petitioner American Water Works Company, Inc.

Edward K. DeHope, Esq., Riker Danzig Scherer Hyland & Perretti LLP, for Co-Petitioner Environmental Disposal Corp.

Debra Robinson, Esq., Manager, Water and Wastewater and Susan McClure, Esq., Assistant Deputy Rate Counsel, for the Division of Rate Counsel (Stefanie A. Brand, Esq., Director)

Veronica Becke, Esq., Alex Moreau, Esq. and Caroline Vachier, Esq., Deputy Attorneys General, for the Staff of the New Jersey Board of Public Utilities (John J. Hoffman, Acting Attorney General)

William K. Mosca, Jr., Esq., Bevan, Mosca & Guiditta, P.C., Attorneys for Intervenors Townships of Bedminster and Bernards and Boroughs of Far Hills and Peapack & Gladstone

**THIS STIPULATION OF SETTLEMENT** (“Stipulation”) is made as of September \_\_\_\_, 2015 by and among American Water Works Company, Inc. (“American Water”), Environmental Disposal Corp. (“EDC”), the New Jersey Division of Rate Counsel (“Rate Counsel”), Staff of the New Jersey Board of Public Utilities (“Staff”) and the Townships of Bedminster and Bernards and the Borough of Far Hills and Peapack & Gladstone (“Intervenor

Municipalities”) (referred to individually herein as a “Party” and collectively as the “Parties”).

On April 29, 2015 American Water and EDC (collectively “Joint Petitioners”) filed a Verified Joint Petition (“Petition”) with the New Jersey Board of Public Utilities (“Board”) seeking approvals related to American Water’s proposed acquisition from The Hills Development Company (“Hills”) of all the shares of common stock of EDC, a public utility engaged in the collection and treatment of sewage generated within its service territory in portions of Bedminster and Bernards Townships and the treatment of sewage delivered to its treatment plant by the Township of Bedminster (from areas outside EDC’s franchise territory) and the Boroughs of Far Hills and Peapack & Gladstone (“the Transaction”). The proposed Transaction is set forth in a Stock Purchase Agreement between American Water and Hills dated February 25, 2015, which provides that, subject to obtaining regulatory approvals and the satisfaction of certain other conditions, American Water shall acquire all of the outstanding capital stock of EDC, which will result in American Water’s acquisition of 100% control of EDC.

The Petition was served upon the Secretary of the Board, Rate Counsel, and the municipalities in which or to which EDC provides sewer service, the Townships of Bedminster and Bernards, and the Boroughs of Far Hills and Peapack & Gladstone.

As a result of the Transaction, EDC would become a direct subsidiary of American Water and continue to exist as a public utility subject to the jurisdiction and regulation of the Board. The Petition was filed pursuant to *N.J.S.A.48:2-51.1*, which requires written Board approval for any person to acquire control of a public utility and *N.J.S.A. 48:3-10*, which requires Board approval for a public utility to transfer its stock to another corporation where the result of such transfer is to vest in such corporation a majority of the outstanding capital stock. In addition,

American Water has sought: (i) authorization and approval of the journal entries necessary to record the accounting treatment of the Transaction; (ii) approval of American Water Works Service Company, Inc.'s ("AWWSC") provision of management services to EDC on an interim basis with such costs being allocated according to the same methodology the Board has approved for similar costs to be allocated to New Jersey American Water Company ("NJ American"), and that a summary of such annual charges to EDC is reported in its Annual Report to the Board; and (iii) Board approval for EDC after Closing to enter into a financial services agreement with American Water Capital Corp. ("AWCC") with terms substantially similar to the terms of the Board-approved agreement between NJ American and AWCC.

Board Staff, Rate Counsel and Intervenor Municipalities have propounded discovery requests upon Joint Petitioners which have been answered.

American Water is not seeking any changes in EDC's rates or terms of service to customers and has agreed that if the Transaction is consummated, EDC will not file a petition with the Board to increase rates to franchise customers or municipal bulk services customers for a period of five (5) years from the closing date. American Water has stated that it will honor EDC's contract with Applied Water Management ("AWM") for operation of the EDC sewer system and that it intends to negotiate an extension of said agreement.

The Parties have reviewed the Petition, responses to discovery and have conducted discussions in an effort to reach a proposed settlement of all issues in this proceeding. The Parties have agreed to reasonably, fully and finally resolve all factual and legal issues in this matter by way of this Stipulation. In consideration of the recitals and mutual promises and covenants set forth herein, the Parties **DO HEREBY STIPULATE AND AGREE:**

1. Approval of Change of Control. The acquisition of control of EDC by American



Water as proposed in the Transaction is consistent with the criteria of *N.J.S.A.48:2-51.1* and *N.J.A.C. 14:1-5.14* and should be approved. There will be no adverse impact on competition. The classic concept of competition for customers does not exist in the regulated sewer utility industry and EDC will remain as a regulated public utility with a defined service area. The Transaction will not have an adverse impact on rates as EDC will continue to operate and charge its current Board-approved tariff rates and its financial position will not be subject to material change. EDC has no employees so the Transaction will not have an adverse impact on utility employees. AWM will continue to operate the EDC sewer system on a daily basis and American Water has expressed its intention to extend the current contract with AWM. EDC will be managed by experienced American Water personnel. Accordingly, the Transaction will have no adverse impact on the provision of safe, adequate and proper service by EDC to its customers. American Water's agreement that for a period of five (5) years after closing EDC will not seek to increase rates and American Water's superior access to capital at reasonable cost will provide positive benefits to EDC's customers.

2. Transfer of EDC Stock to American Water. The proposed acquisition by American Water of all the issued and outstanding shares of EDC stock is consistent with *N.J.S.A. 48:3-10* and Board regulations at *N.J.A.C.14:1-5.10* and 5.14. After closing of the Transaction, EDC will be managed by the officers, active managers and employees of American Water and EDC's Board of Directors will be comprised of members of American Water's management team. EDC will continue to be operated by AWM. American Water is not proposing any adverse changes in EDC's policies with respect to customer service, operations, financing, accounting, capitalization, rates, depreciation, maintenance or any other matters affecting the public interest or utility customers. American Water will not capitalize any franchise cost as a

result of the transaction. Accordingly, the Parties recommend Board approval of the transfer on EDC's books of all the issued and outstanding shares of common stock to American Water.

3. The Petitioners have requested, and the Parties agree that EDC will not seek to increase rates for a period of five years following closing. The parties agree that this satisfies the rate review requirement of N.J.S.A. 48:2-51.1(a) with respect to the Transaction. However, the Parties agree that this Stipulation of Settlement shall not be construed as directly or indirectly fixing for any purposes whatsoever any value of any tangible or intangible assets now owned or hereafter to be owned by American Water or any of its subsidiaries as a result of the Transaction. The Parties further agree that any Order concluding this matter shall not affect nor in any way limit the exercise of the authority of this Board or of this State, in any future Petition or in any proceedings with respect to rates, franchises, service, financing, accounting, acquisition adjustments, capitalization, depreciation, or in any other matter affecting the Joint Petitioners. The Parties specifically acknowledge that the reasonableness or prudence of any acquisition adjustment associated with the Transaction has not been determined in this proceeding but will be taken up in a future rate proceeding when it is timely to consider such issues. It is further agreed that any future ratemaking recognition of the Transaction shall depend upon the extent that the Petitioner seeking such ratemaking recognition is able to demonstrate reasonableness and prudence.

4. Journal Entries. EDC should be authorized by the Board to make the journal entries necessary to record the accounting treatment of the Transaction. The proposed journal entries shall be provided to Staff by American Water for its review and approval prior to their entry on EDC's books.

5. Management Services. After closing of the Transaction it would be appropriate

for EDC to obtain management services through AWWSC on an interim basis under the same cost allocation methodology that the Board previously has approved for AWWSC to provide such services to NJ American. American Water agrees that the interim management services arrangement will expire with the conclusion of the initial EDC rate proceeding filed following Closing. American Water agrees that it will request the Board's authorization to enter into a management services agreement at the time of the initial EDC rate filing following Closing. At that time the Board should authorize EDC to enter into an agreement with AWWSC for management services under the terms described above provided that there is no adverse rate impact and provided that EDC files such agreement with the Board Secretary within 10 days of entry into such agreement and that a summary of the annual management charges to EDC during each calendar year shall be provided in EDC's annual report to the Board.

6. Financial Services Agreement. The Parties agree that after closing of the Transaction, EDC should be authorized to enter into a financial services agreement with AWCC with terms substantially similar to the terms of the Board-approved agreement between NJ American and AWCC. Such agreement shall be filed with the Board Secretary within ten days of entry into such agreement.

7. Rate Increase Forbearance. Provided that the Transaction is consummated, Joint Petitioners agree that EDC will not file a petition with the Board seeking authority to increase rates for sewer service within its franchise territory or under its bulk service contracts with municipal customers for a period of five (5) years from the closing date of the Transaction.

8. Rate Design Study. Joint Petitioners agree that if the Transaction is consummated, EDC will engage in a study of the feasibility and appropriateness of changing its rate design for service to franchise area customers to incorporate partially usage-based rates,

which study may include modeling. EDC agrees to seek input from the Townships of Bedminster and Bernards and the Borough of Far Hills before going forward with such study and to provide the municipalities with such study. This study must be completed before EDC files its next rate case. The municipalities shall not be bound by the conclusions reached by the study and may take an opposing position in any subsequent proceeding.

9. Uncollectibles. After closing, American Water will make it a priority to review EDC's overdue accounts and to take appropriate steps to minimize EDC's uncollectibles.

10. Infiltration and Inflow. After closing, American Water agrees to continue and expand upon EDC's program to minimize infiltration and inflow into the sewer system.

11. Voluntariness. The Parties agree that this Stipulation is voluntary, consistent with law, and fully dispositive of the issues addressed herein. The Parties have entered this Stipulation after consideration of the Petition, discovery in this matter and settlement discussions.

12. Board Approval. The Parties agree that the Board should issue an Order that adopts this Stipulation in its entirety. The Parties hereby request that the Board address this matter not later than at its public meeting scheduled for November 16, 2015, and that the Board issue a written Order approving this Stipulation as soon as practicable following that meeting. Each Party agrees to use its best efforts to ensure this Stipulation is submitted in a timely fashion and to urge the Board to issue its approval of this Stipulation without modification or condition.

13. Waiver of Rights of Appeal. Each Party specifically waives any right it may have to seek reconsideration of or to appeal an order by the Board that approves this Stipulation in the manner provided for herein without modification.

14. Rights Upon Disapproval or Modification. This Stipulation contains mutually balancing and interdependent provisions and is intended to be accepted and approved in its entirety. This Stipulation is an integral settlement and the various parts hereof are not severable without upsetting the balance of agreements and compromises achieved among the Parties. In the event the Board disapproves this Stipulation as a whole, it shall be null and void. In the event that any particular aspect of this Stipulation is not accepted and approved by the Board in its entirety, without modification, or is modified by a court of competent jurisdiction: (i) the Parties are not waiving any legal or procedural rights, arguments or claims they may have before the Board or in any forum; and (ii) this Stipulation shall, at the option and discretion of any Party aggrieved thereby, exercised by written notice to the other Parties within ten days after receipt of any such adverse decision, be null and void, in which case the Parties shall be placed in the same position that they were in immediately prior to its execution.

15. Party Reservations. This Stipulation represents a negotiated compromise resolution that has been made exclusively for the purpose of resolving issues addressed in the above-captioned case and docket. Although binding on the Parties with respect to the issues resolved herein in this proceeding, this Stipulation, in total or by specific item, is in no way binding upon the Parties and is not to be considered or cited as precedent in favor of or against their respective positions on any issue in any other proceeding, except to enforce the terms of this Stipulation. The Parties agree that the resolution of the issues herein shall apply only to the above-captioned case and that any similar future cases shall be reviewed by the Board on an individual basis. This Stipulation is without prejudice to the positions of the respective Parties with respect to any future proceedings involving EDC, except as specifically set forth herein.

Further, by executing this Stipulation, no Party waives any rights it possesses under any prior Stipulation or Board Order.

16. Captions.The subject headings of the sections of this Stipulation are inserted solely for the purpose of convenient reference and are not intended to, nor shall they, affect the meaning of any provision of this Stipulation.

17. Governing Law.This Stipulation shall be governed and construed in accordance with the laws of the State of New Jersey.

18. Execution.This Stipulation may be executed in one or more counterparts. Each Party has caused its duly authorized representative to execute below and deliver this Stipulation.

ENVIRONMENTAL DISPOSAL CORP.

By: \_\_\_\_\_

Edward K. DeHope, Esq.  
RIKER DANZIG SCHERER  
HYLAND & PERRETTI LLP

Title: Counsel \_\_\_\_\_

Dated: \_\_\_\_\_

AMERICAN WATER WORKS  
COMPANY, INC.

By: \_\_\_\_\_

Jordan Mersky, Esq.

Title: Chief Mergers & Acquisitions Counsel

Dated: \_\_\_\_\_

STEFANIE BRAND  
Director, Division of Rate Counsel

By: \_\_\_\_\_  
Susan E. McClure, Esq.

Title: Ass't. Deputy Rate Counsel

Dated: \_\_\_\_\_

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF  
NEW JERSEY  
Attorney for the Staff of the Board of Public  
Utilities

By: \_\_\_\_\_  
Veronica Becke, Esq.

Title: Deputy Attorney General

Dated: \_\_\_\_\_

TOWNSHIPS OF BEDMINSTER AND  
BERNARDS AND BOROUGHS OF FAR  
HILLS AND PEAPACK & GLADSTONE

By: \_\_\_\_\_  
William K. Mosca, Jr., Esq.  
BEVAN, MOSCA & GUIDITTA,  
P.C.

Title: Counsel

Dated: \_\_\_\_\_

Finance 1

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 139-15**

A RESOLUTION TO CANCEL THE UNEXPENDED BALANCES OF THE RESERVE FOR PRELIMINARY EXPENSES FOR THE KOMLINE RECREATIONAL FACILITIES IN THE AMOUNT OF \$7,212.75 AND THE RESERVE FOR PRELIMINARY EXPENSES FOR THE HIGHLAND AVENUE SIDEWALK PROJECT IN THE AMOUNT OF \$6,626 AND RETURN THE CANCELED BALANCE TO THE CAPITAL IMPROVEMENT FUND THE AMOUNT OF \$13,838.75

WHEREAS, the Borough of Peapack & Gladstone did adopt Resolution No. 092-13, to reserve funds for preliminary expenses on the Komline Recreational Facilities project on July 23, 2013; and

WHEREAS, the Borough of Peapack & Gladstone did adopt Resolution No. 103-13, to reserve funds for preliminary expenses on the Highland Avenue Sidewalk project on October 22, 2013; and

WHEREAS, all purchases, projects, and agreements have been completed and there remains unexpended balances of \$7,212.75 on the Komline Recreational Facilities project, and \$6,626 on Highland Avenue Sidewalk project; and

WHEREAS, the funding for both reserves for preliminary expenses came from the Capital Improvement Fund (CIF);

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Peapack & Gladstone that the unexpended balances in the total amount of \$13,838.75 on Resolution Nos. 092-13 and 103-13 be cancelled and returned to the Capital Improvement Fund as follows :

<u>Ordinance</u>	<u>Purpose</u>	<u>Cancelled to / or Against</u>	<u>Amount</u>
092-13	Komline Recreational Facilities Project	Reserve for Preliminary Expenses	\$7,221.75
103-13	Highland Avenue Sidewalk Project	Reserve for Preliminary Expenses	\$ 6,626.00
Credit to Capital Improvement Fund			\$13,838.75

This Resolution shall be effective immediately upon proper adoption by the Borough Council.



<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			
X		Mark Corigliano	X			
		Gerald Gunning	X			
		T. William Simpson	X			
		Royal Smith	X			
X		Anthony Suriano	X			

Adopted: October 27, 2015

Finance 2

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 140-15**

RESOLUTION TO CANCEL 2014 DRIVE SOBER OR GET PULLED OVER GRANT IN THE AMOUNT OF \$5,700 AND 2015 DRIVE SOBER OR GET PULLED OVER IN THE AMOUNT OF \$1,200

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>
2014 Drive Sober or Get Pulled Over Grant	\$ 5,700.00	\$ 5,700.00
2015 Drive Sober or Get Pulled Over Grant	<u>\$ 1,200.00</u>	<u>\$ 1,200.00</u>
	\$ 6,900.00	\$ 6,900.00

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

Adopted: October 27, 2015

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 141-15**

AUTHORIZING THE BOROUGH TO SUBMIT A GRANT APPLICATION FOR MUNICIPAL AID TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WILLOW AVENUE RESURFACING PROJECT (MA-2016-WILLOW AVENUE RESURFACING PROJECT-00704)

WHEREAS, the Borough of Peapack & Gladstone requests to submit a grant application for 2016 Municipal Aid to the New Jersey Department of Transportation; and

WHEREAS, the Roads /Transportation Committee, in consultation with the Borough Engineer and Director of Public Works, has identified a need to resurface Willow Avenue so as to improve safety by providing a consistent driving surface; and

WHEREAS, the project consists of resurfacing Willow Avenue from the intersection of Main Street to 0.66 miles east; and

WHEREAS, the total project is estimated to cost \$205,269.25 (\$178,495 construction costs and \$26,774.25 engineering and inspection costs).

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby approve the submission of said grant application.

<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: October 27, 2015

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 142-15**

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WILLOW AVENUE RESURFACING PROJECT (MA-2016-WILLOW AVE RESURFACING PROJECT-00704)

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Peapack & Gladstone formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Willow Ave Resurfacing Project-00704 to the New Jersey Department of Transportation on behalf of the Borough Of Peapack & Gladstone.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough Of Peapack & Gladstone and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

<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: October 27, 2015

Finance 5

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 143-15**

AUTHORIZING BOROUGH POLICE DEPARTMENT TO PARTICIPATE IN SOMERSET COUNTY PROSECUTOR’S OFFICE DWI PATROL SAFE PASSAGE GRANT

WHEREAS, the Somerset County Prosecutor’s Office has made available funds for its Safe Passage Grant providing Police Departments to conduct two four-hour DWI patrols between 8 p.m. October 30, 2015, and 4 a.m. November 1, 2015, in a reimbursed amount not to exceed of \$50 per hour per the officer; and

WHEREAS, the Borough of Peapack & Gladstone Police Department wish to take advantage of this grant.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby approve the submission of said grant application.

<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: October 27, 2015

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 144-15**

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2015 BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) - 201 SOMERSET COUNTY PROSECUTOR’S OFFICE DWI PATROL SAFE PASSAGE GRANT IN THE AMOUNT OF \$400

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county of municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Peapack & Gladstone, County of Somerset, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2015 in the sum of \$400 as a revenue from

SOMERSET COUNTY PROSECUTOR’S OFFICE DWI PATROL SAFE PASSAGE GRANT

BE IT FURTHER RESOLVED that one certified copy of this resolution together with a certification from the Borough Treasurer that funds will be made available through a reimbursable grant from the Somerset County Prosecutor’s Office filed with the Director of the Division of Local Government Services.

<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: October 27, 2015

Sewer 2

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 145-15**

RESOLUTION TO CANCEL SEWER CHARGES BLOCK 20, LOT 1 LOCATED AT 32 APGAR AVENUE, ACCOUNT #573-0 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 3<sup>rd</sup> 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 3<sup>rd</sup> quarter sewer charges in the amount of \$132.50 are hereby cancelled against Block 20, Lot 1, Account #573-0 and the Tax Collector is 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			
	X	Gerald Gunning	X			
X		T. William Simpson	X			
		Royal Smith	X			
		Anthony Suriano	X			

Adopted: October 27, 2015

Police 1

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO. 146-15**

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 November 10, 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			
		Royal Smith	X			
	X	Anthony Suriano	X			

Adopted: October 27, 2015



**BOROUGH OF PEAPACK AND GLADSTONE**

**RESOLUTION NO. 147-15**

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.

<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: October 27, 2015

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HECTOR HERRERA  
BOROUGH CLERK

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WILLIAM C. MULLER  
MAYOR