

**MINUTES OF THE PEAPACK & GLADSTONE BOROUGH COUNCIL
SEPTEMBER 29, 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, September 29, 2015, at 7:30 p.m., in 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 September 2, 2015, notice of a time change was sent to the Bernardsville News and Courier News and printed in Bernardsville News on September 10, 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
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 Planner John Szabo.

MINUTES

Councilman Caminiti made a motion that the reading of the minutes be dispensed with, and the minutes of the regular meeting of September 8, 2015, stand approved, as submitted, by the

Borough Clerk to the Mayor and Borough Council. 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

Councilman Caminiti made a motion that the minutes of the executive session meeting of September 8, 2015, stand approved for content only, with minor changes, as submitted by the Borough Clerk to the Mayor and Borough Council. Councilman Suriano seconded that motion.

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

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

PUBLIC COMMENT FOR NON-AGENDA ITEMS

John Sweeney, 14 Farm Cottage Road, Gladstone, asked Council to move up in the agenda the land use ordinance listed for public hearing and final adoption because there were many people in attendance for that item.

Mayor Muller stated that he received several requests from residents to have the public hearing later in the meeting because the Bedwell School was having Back to School Night and these residents would be coming to the Council meeting after that event.

PRESENTATIONS

No presentations.

PETITIONS AND COMMUNICATIONS:

No presentations.

REPORTS OF BOROUGH OFFICERS FOR THE MONTH OF AUGUST

Council received the reports.

REPORTS OF COMMITTEES / RESOLUTIONS

FINANCE: *(Suriano/Corigliano)*

RESOLUTION TO WAIVE INTEREST CHARGES IN THE AMOUNT OF \$46.03 ON BLOCK 1, LOT 6

Councilman Suriano reviewed this resolution. He stated Council discussed this matter at the September 8, 2015, meeting and agreed to waive this interest charge.

Councilman Suriano moved to adopt resolution #125-15. 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 #125-15 was adopted.

A copy of resolution #125-15 is appended to the official minutes.

DISCUSSION TO SET 2016 BUDGET MEETING DATES

Council set November 23, 2015, as the date for the first 2016 budget meeting.

DISCUSSION OF BEST PRACTICES INVENTORY

Council discussed the 2015 Best Practice Inventory. Councilman Suriano stated he, Councilman Corigliano, Mr. Herrera and Borough Chief Financial Officer Mary Robinson reviewed and answered the questions on the checklist. He stated there would be no penalties to the municipality. He stated that he would provide Council a copy of the final draft for the next meeting.

SANITATION/SEWER: *(Smith/Caminiti)*

No formal report.

BOROUGH PROPERTY: *(Corigliano/Smith)*

Councilman Corigliano reviewed the following applications

1. An application has been received from the Recreation Commission for use of the gymnasium for Men’s Basketball from November 1, 2015- November 1, 2016.
2. An application has been received from the Recreation Commission for use of the gymnasium for Youth Basketball from November 1, 2015- April 1, 2016.

Council was in consensus to approve the applications.

FIRE/ INFORMATION SYSTEMS: (Simpson/Gunning)

No formal report.

Councilman Simpson stated that at the October 13, 2015, meeting, the Borough Recreation Commission will be making a presentation on building an ice skating rink at the Municipal Complex.

Councilman Simpson stated the recent car show, sponsored by the Borough Fire Department, was a successful event.

POLICE: (Gunning/Suriano)

Councilman Gunning stated he is still working on the Police Organization Ordinance.

ROADS/TRANSPORTATION: (Caminiti/Simpson)

RESOLUTION AUTHORIZING TRAFFIC SIGNAL AGREEMENT WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR ROUTE 206 AND POTTERSVILLE ROAD (CR-512)

Councilman Caminiti reviewed this resolution. He stated this is an agreement with the New Jersey Department of Transportation to update the traffic signal at Route 206 and Pottersville Road. The new signal will accommodate pedestrian traffic. The State will pay for the cost to install the signal, Somerset County will assume all maintenance costs and the Borough will be responsible for electricity costs to run the signal.

Councilman Caminit moved to adopt resolution #126-15. 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

Resolution #126-15 was adopted.

A copy of resolution #126-15 is appended to the official minutes.

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 & GLADSTONE ELIMINATING CERTAIN CONDITIONAL USES IN DESIGNATED ZONES

Mr. Bruder read the title of the ordinance and provided a brief introduction. Councilman Caminiti provided the public with an explanation of the 2014 Master Plan Reexamination process.

Mayor Muller opened the public hearing on this ordinance.

Craig M. Gianetti, of the law firm Day Pitney, addressed Council on this ordinance. He stated he is representing Gill St. Bernards which is in opposition to this ordinance. Council asked for clarification as to what organization he was representing because Day Pitney also represents the Matheny School. Mr. Gianetti state he was representing GSB.

Mr. Gianetti stated he would like Council not to adopt this ordinance until the Borough and GSB had an opportunity to discuss the impact of this ordinance to GSB. He stated that through discussions, the Borough and GSB might be able to find a way to accomplish what the Borough is trying to do and not negatively affect GSB. He stated this ordinance would make GSB a nonconforming use which would make it necessary for GSB have to come before the LUB for any improvements.

Council asked Mr. Gianetti why GSB was only coming forward now in opposition to this ordinance as opposed to voicing concern throughout the Master Plan Reexamination process where this was openly discussed. Mr. Gianetti stated GSB was not aware of this ordinance.

Council reminded Mr. Gianetti that the last two improvements to the GSB fields required the school to come before the Land Use Board for variances. Council also reminded Mr. Gianetti that as a school, GSB is deemed as an inherently beneficial use and is presumed to satisfy the first step of a variance. Mr. Gianetti stated that did not automatically grant the school a variance.

Mr. Bruder asked Mr. Gianetti to correct a statement in an email, sent from GSB to all parents and interested parties, that this ordinance would no longer give GSB the benefit of being an inherently beneficial use. Mr. Gianetti agreed that was an incorrect statement in the email sent from GSB.

Mayor Muller stated Mr. Gianetti's firm represents several clients in the Borough. Mayor Muller asked Mr. Gianetti how he became aware of this ordinance. Mr. Gianetti stated GSB informed him. Mr. Gianetti stated his client was unaware this ordinance would affect their property. Council stated Mr. Gianetti's colleague at Day Pitney, Thomas Malman, represents another organization that has been following this ordinance since the Master Plan Reexamination process and has openly opposed this ordinance. Mr. Gianetti stated that Mr. Malman's client is concerned with another portion of the ordinance. Council informed Mr. Gianetti the ordinance is designed to eliminate large institutional uses. Mr. Gianetti asked the Council to change the ordinance to permit conditional uses for private and public schools in existence as of the date of this ordinance.

Council asked Mr. Szabo to address Mr. Gianetti's request. Mr. Szabo stated he was concerned with the consistency requirement in the Municipal Land Use Law. He stated Mr. Gianetti's suggestion would be open to equal protection issues under the constitution.

Mr. Gianetti stated he disagreed with Mr. Szabo's assessment. He reiterated his request to have Council hold this ordinance until the Borough and GSB had an opportunity to meet and discuss.

Mr. Bruder stated that if the Council were to take Mr. Gianetti's suggestion, his firm's other client (Matheny School) could state the Borough was discriminating against them in favor of GSB. Mr. Gianetti stated he was not representing the Matheny School at this public hearing.

Mr. Bruder stated the Borough Council feels this is not a targeted ordinance. He stated this is a zone-wide ordinance in certain zones. He stated that making changes to the ordinance for the benefit of one institution, to the detriment of another institution, would be a violation of the constitution as Mr. Szabo had stated earlier.

Mr. Bruder asked Mr. Gianetti if he felt there was anything in this ordinance that would cause GSB to cease to exist. Mr. Gianetti stated GSB would be permitted to exist as it does today but would have to go before the Land Use Board for variances for any improvements.

Council stated that GSB would still have to come to the Land Use Board for improvements that require a D variance. Mr. Gianetti stated that process would be easier than if this ordinance was adopted.

Mr. Bruder summarized Mr. Gianetti's position that GSB was not objecting to the ordinance because it would lose its inherently beneficial status; Mr. Gianetti's position is that GSB objects to the ordinance because it would require GSB to come before the Land Use Board on applications—even though it would already have to come before the Land Use Board—however would be held to a higher standard (higher burden of proof) before the Land Use Board.

Peter Churchill, 45 Mendham Road, stated he supported the Matheny School. He stated he felt the proposed changes to the Master Plan are directed at Matheny. He stated he felt there were people in the Borough who did not want Matheny to exist in the Borough. He asked that the Council not use the Master Plan against Matheny and GSB.

Matheny Medical and Educational Center Chief Executive Officer & President Dr. Kendell R. Sprott stated he does not think this issue should be resolved in the courts. He stated it should be resolved through discussions. Additionally, he asked Council to delay adopting this ordinance until the subcommittee of the Land Use Board and Borough Council submits its report and recommendation on an appropriate land use definition for Matheny.

Council asked Dr. Sprott if he would feel more comfortable if Council passed a resolution stating Council would exercise administrative restraint in zoning enforcement, as to any conditional uses which may be eliminated on the Matheny parcel, due to the adoption of this land development

ordinance. This resolution would be in effect until the subcommittee could come up with reasonable conditional standards for the existing uses. Dr. Sprott stated he would prefer Council wait to adopt this ordinance. Dr. Sprott stated his concern was that current uses would no longer be permitted with the adoption of this ordinance. Mr. Bruder also reviewed the proposed resolution. He stated the resolution would put into abeyance any action that would not permit current usage at Matheny until the subcommittee provided its input. Dr. Sprott reiterated his request to have Council wait to adopt this ordinance until the subcommittee provided its input. Mayor Muller asked if this resolution would include the activities at Matheny that were never sanctioned by the Land Use Board. Council stated those activities were included. Dr. Sprott stated the proposed resolution does not alleviate his concerns.

Catelyn Slicer, GSB Student Body Vice President, stated she felt this ordinance could slow down improvements to school's athletic fields.

Kathy Wild of Bedminster stated her son is a resident of Matheny. She stated she felt Council was rushing to adopt this ordinance

Peggy McFarlan, stated she felt real issues should trump any hypothetical issues that may arise. She stated there are concerns by property owners that are being overlooked by the possibility of a large church coming to the Borough. Ms. McFarlan stated the threats and fear tactics being used have no place in this friendly, civilized community. Ms. McFarlan also stated Matheny deserves the best the Borough has to offer in terms of support and land-use planning. She stated it is a highly respected medical and educational facility that is home to some of our most vulnerable citizens. Finally, Ms. McFarlan asked Council to delay the vote and final adoption of this ordinance.

John Sweeney, 14 Farm Cottage Road, Gladstone, asked Council if it had adopted an ordinance or formed a subcommittee to address the Master Plan Reexamination Report recommendation to change the zoning on Route 206. Council stated it had not. He stated he felt Council should wait to receive the recommendation from the subcommittee before adopting this ordinance to avoid the possibly of amending this ordinance in the future.

John Smith, 35 Branch Road, stated anyone who lives on, or near, Highland Avenue who is for hurting Matheny should move. He also stated Council should have more charge over the Land Use Board.

Jeanine Oldman, Gladstone, asked Council what the rush is to adopt this ordinance. Mayor Muller asked Mr. Szabo if Council was under any time constraint to adopt this ordinance. Mr. Szabo stated there was nothing in the MLUL setting a time frame. He advised against waiting a long time to act upon the Master Plan recommendations because it could run into consistency

issues. She stated she felt Council was rushing and questioned the timing of this ordinance. Council stated this was not being rushed. The process started in 2014 with the Master Plan Reexamination process and the ordinance was introduced two months ago. Council explained to Ms. Oldman the purpose of this ordinance is to make a level of consistency with the findings of the Master Plan Committee, based on a long, protracted hearing on Matheny. The decision on conditional uses that is the subject of this ordinance was decided in 2008. Additionally, Council pointed out that without adopting this ordinance, a large religious center would be a permitted use in residential zones in the Borough. Council reviewed the process. Ms. Oldman asked that Council wait until the subcommittee submits its report before adopting this ordinance.

Joan Segal, 18 Highland Ave, stated she never said she was against Matheny. She stated she feels that Matheny has outgrown its location which is making Highland Avenue a dangerous place. She stated it is the job of the Land Use Board to determine if Matheny is using the location properly and in a manner allowed by the law.

George Boyer, 118 Mosle Road, stated Matheny serves a wonderful purpose and has no problem with GSB. He stated that as time passes, institutions change and grow. He stated consideration should be given to their potential growth in the future. He stated that although he does not live on that side of the Borough, the residents of Highland Avenue have a right to request the condition of their streets be maintained as a reasonable place to live. He stated the proposed ordinance is a protection for everyone from future encroachment on their rights. He stated his understanding of the ordinance does not restrict operations of Matheny and GSB.

Garvin Walsh, Patriot Road, stated he was disappointed people thought there was any ill will towards the Matheny School. He stated he viewed the proposed ordinance as a risk control measure. He stated this ordinance was not about protecting the Borough from Matheny. It was about protecting the Borough from the unknown – from organizations submitting an application for a use that this ordinance looks to eliminate. He stated Council had a responsibility to protect its residents from that possibility. He urged Council to adopt the ordinance tonight.

Steve Lapper, 1 St. Bernards Road, stated that adopting this ordinance tonight puts the Council at risk for unintended consequences. He asked Council to hold off on adopting the ordinance until it had more time to analyze the risk of adopting it.

Ruth Williams, Highland Avenue, stated she would like Council to adopt the proposed ordinance tonight because it would accomplish three critical goals to the Borough. The first would protect the residents who live in the five rural residence zones in the Borough. The second would protect the financial interests of the Borough by limiting the number of tax-exempt organizations that would be supported by the tax payers of the Borough. The third would validate the independence of the Land Use Board who spent 18 months reexamining the Borough's Master Plan. Ms. Williams gave a presentation about the need for this land use ordinance and reviewed

MLUL as it relates to this ordinance. She discussed the possible negative effects of having a large religious center in the Borough, including impervious coverage, loss of trees, lights and traffic. She also discussed the negative effects of nursing homes and assisted living facilities. Ms. Williams also discussed the vagueness issue with the definition for a residential healthcare facility in conjunction with a school. Ms. Williams discussed the importance of not delaying the adoption of this ordinance and the Time of Application Rule which recognized the existing zone at the time an application was filed. Ms. Williams stated that she welcomed the findings of the subcommittee however, all of this work has already been done in public meetings and hearings.

Council asked Ms. Williams if she felt the Borough assumes a risk for an undesirable application in a residential zone if it does not adopt the ordinance tonight. Ms. Williams said yes. Council and Ms. Williams discussed how the Religious Land Use and Institutionalized Persons Act could be utilized by an organization looking to build a large religious facility in a residential zone within the Borough since the current zoning allowed for that use.

Council took a break at 10:10 p.m.

Council reconvened at 10:20 p.m.

Co-Chair of Matheny's Board of Trustees Bruce Fisher requested that Council allow the subcommittee to submit their report. He stated this would allow for Matheny to be defined.

Sharri Rienhard, 8 Highland Avenue, stated that homeowners who make improvements to their properties need to go before the Land Use Board and so should institutions.

Heather Santoro, 23 Mendham Road, stated she would like Council to allow the subcommittee to submit its report before taking action on the proposed ordinance.

Tim Brown, Willow Avenue, stated Council is charged with protecting the residents and maintaining the quality of life. He stated Council should adopt the resolution.

Mr. Gianetti stated the Master Plan are only recommendations and the Council is not obligated by MLUL to adopt those recommendations. He stated the current issue is not very difficult to overcome and he was confident he could find a solution if given an opportunity to meet with the Borough on this matter. He also suggested the creation of an overlay zone. He reiterated his request to meet with the Borough before Council adopts this ordinance.

Mayor Muller closed the public hearing on this ordinance.

Councilman Caminiti moved to adopt resolution #127-15 / ordinance #1015. Councilman Gunning seconded that motion.

Council discussed the proposed resolution that would have the Borough exercise administrative restraint in zoning enforcement to any conditional uses which may be eliminated on the Matheny parcel due to the adoption of this proposed ordinance. Mr. Bruder stated Council will need to adopt this ordinance before passing the resolution. Mr. Bruder advised Council this would be a motion from the floor that would be memorialized at the October 13, 2015, meeting.

Council and Mr. Bruder discussed a recent judgement against Bridgewater Township – after its planning board denied an application for a large religious center – and how that judgement relates to the Borough and this ordinance

Mr. Bruder reviewed the process leading up to the adoption of this ordinance. He stated the Land Use Board provided Council with the Master Plan Reexamination Report which contained recommendations to change the current zoning. Council introduced this proposed ordinance and referred it back to the Land Use Board for its consideration and comment. On September 16, 2015, the Land Use Board passed a resolution stating it was in favor of this ordinance with a corollary proposition that further study be undertaken to define the Matheny operation. He stated that there were many people this evening who asked Council to hold off on adopting the ordinance tonight so as not to have to take two actions however, this was the intention of the Land Use Board.

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 #127-15 / ordinance #1015 was adopted.

A copy of resolution #127-15 / ordinance #1015 is appended to the official minutes.

Councilman Suriano made the following motion:

THE BOROUGH COUNCIL EXPRESSES ITS INTENT THAT THE BOROUGH EXERCISE ADMINISTRATIVE RESTRAINT WITH RESPECT TO ZONING ENFORCEMENT ON THOSE CONDITIONAL USES WHICH MAY BE ELIMINATED ON THE MATHENY PARCEL RESULTING FROM THE ADOPTION OF THIS ORDINANCE UNTIL THE LAND USE BOARD SUBCOMMITTEE CAN EXPEDITIOUSLY AND PROPERLY FORMULATE REASONABLE CONDITIONAL STANDARDS FOR THOSE EXISTING COMPLEX USES ON THAT PARCEL

Councilman Smith seconded that motion.

Councilman Gunning stated he did not think this was going to be an easy task. He stated he was concerned the proposed resolution stated the Borough would not take any action on those uses until it received the report from the subcommittee however, that may take a very long time. Council agreed that this would only apply to any current uses and would not apply to any new uses. Council agreed to revisit this resolution in six months. Councilman Gunning stated he would prefer to approve Mr. Bruder to draft the resolution as opposed to voting to approve Councilman Suriano's motion.

Councilman Suriano amended his motion to include the stipulation of a six-month review. Councilman Smith seconded the motion.

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

Councilman Caminiti	Aye
Councilman Corigliano	Aye
Councilman Gunning	No
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

MISCELLANEOUS COUNCIL BUSINESS

DISCUSSION OF PAYMENT FOR FLU SHOTS FOR FIRST RESPONDERS, POLICE FIREFIGHTERS AND BOROUGH EMPLOYEES

Council was in consensus to approve the payment of flu shots for first responders, police, firefighters and Borough employees.

DISCUSSION OF LIBERTY PARK TREE PRUNING PROPOSAL

Councilman Smith informed Council he received quotes from two companies to provide tree-trimming services in Liberty Park. He stated the project will not exceed \$12,000. He stated he is discussing with the Open Space Advisory Committee the possibility of using Open Space Trust Funds for the project. Council discussed the use of the line item in the budget dedicated to tree trimming as opposed to utilizing the OSTF. Council agreed to have Councilman Smith seek OSAC approval first.

UPDATE ON MENDHAM TOWNSHIP MOUNT SAINT JOHN PROPERTY APPLICATION

Councilman Smith provided a brief update of the Hillandale Development in Mendham Township. On September 16, 2015, the Mendham Township Planning Board had its second hearing. A traffic expert and engineer testified at that hearing. He stated the Planning Board did not take a final vote at this meeting as their professionals still have a few unresolved questions. Councilman Smith stated he had an opportunity to question the traffic expert who agreed with Councilman Smith the traffic projections were low. The next meeting is October 21, 2015. Councilman Smith plans to attend.

PUBLIC COMMENT

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.

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 CONTRACT NEGOTIATIONS AND PERSONNEL

Councilman Gunning moved to adopt resolution #128-15, 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 #128-15 was adopted.

A copy of resolution #128-15 is appended to the official minutes

Council convened in closed session at 11:15 p.m.

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

Councilman Gunning made a motion to accept the highest bid from the auction of the Komline House held on September 29, 2015, in the amount of \$500,000. Councilman Caminiti seconded the motion.

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

Councilman Caminiti	Aye
---------------------	-----

Councilman Corigliano	Aye
Councilman Gunning	Aye
Councilman Simpson	No
Councilman Smith	Aye
Councilman Suriano	Aye

ADJOURNMENT

On the motion of Councilman Gunning, second by Councilman Smith, the meeting adjourned at 11:29 p.m.

APPROVED:

HECTOR HERRERA
BOROUGH CLERK

WILLIAM MULLER
MAYOR

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

RESOLUTION TO WAIVE INTEREST CHARGES IN THE AMOUNT OF \$46.03 ON BLOCK 1, LOT 6

WHEREAS, the owner of Block 1, Lot 6 sent a payment by check; and

WHEREAS, the check was made out incorrectly and returned to the owner to be corrected; and

WHEREAS, when a corrected check was issued it was past the grace period resulting in an additional charge of \$46.03 for accrued interest; and

WHEREAS, the homeowner has submitted a letter requesting that the interest be waived as previous payments have been made in a timely fashion; and

WHEREAS, the Borough Council has reviewed this letter and tax account and decided there was sufficient reason to waive the \$46.03 interest charge that has been paid by the homeowner.

NOW, THEREFORE BE IT RESOLVED, the interest charge in the amount of \$46.03 is hereby waived for Block 1, Lot 6 and the Tax Collector is authorized to apply this credit to the next quarterly installment and be relieved of the collection of same.

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

Adopted: September 29, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 126-15

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF NEW JERSEY FOR THE INSTALLATION AND MAINTENANCE OF A TRAFFIC CONTROL SIGNAL

WHEREAS, a traffic condition exists at the intersection of Route US 206 and Pottersville Road (CR 512), in the Borough of Peapack and Gladstone, in the County of Somerset, which requires the installation of the semi-actuated traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents; and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, the State of New Jersey has proposed a form of agreement pertaining to the installation and maintenance of said traffic signal;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk of the Borough of Peapack & Gladstone be and hereby are authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said agreement being attached hereto and made a part hereof.

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

Adopted: September 29, 2015

**BOROUGH OF PEAPACK & GLADSTONE
ORDINANCE NO. 1015**

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 & 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 & 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 & 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 & 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 & 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 & 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 & 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.

Introduced: July 28, 2015

Adopted: September 29, 2015

BOROUGH OF PEAPACK AND GLADSTONE

RESOLUTION NO. 128-15

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Peapack and Gladstone that in compliance with N.J.S.A. 10:4-7 et seq, this meeting will be closed to the public to discuss the following matters:

- **PERSONNEL**
- **CONTRACT NEGOTIATIONS**

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

Adopted: September 29, 2015