

**MINUTES OF THE PEAPACK & GLADSTONE BOROUGH COUNCIL
SEPTEMBER 8, 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 8, 2015, at 7:30 p.m., in Council Chambers in the Municipal Complex, located at 1 School Street, Peapack, New Jersey 07977.

NOTICE OF MEETING

The following statement was read by the Borough Clerk:

Adequate notice of this meeting of the Mayor and Borough Council of the Borough of Peapack & 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
T. William Simpson (arrived at 8:35 p.m.)
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 August 11, 2015, stand approved, as submitted, by the Borough Clerk to the Mayor and Borough Council. Councilman Suriano seconded that motion.

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

Councilman Caminiti	Aye
Councilman Corigliano	Aye

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

Councilman Corigliano made a motion that the minutes of the executive session meeting of August 11, 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	Absent
Councilman Smith	Aye
Councilman Suriano	Aye

PUBLIC COMMENT FOR NON-AGENDA ITEMS

Matheny Medical and Educational Center Chief Executive Officer & President Dr. Kendall R. Sprott informed Council he responded to a letter Ruth Williams sent to the Council. He stated his response refutes some of the allegations Ms. Williams had put forth in her letter.

PRESENTATIONS

Marcus Ippolito presented an application for his youth baseball organization, named *In the Zone*, to utilize ballfields located in the Borough during the months of September and October. Mr. Ippolito stated he was not expecting the Borough to prepare or maintain the baseball fields. He stated he was aware of the \$675 fee to use the fields. Council asked Mr. Ippolito to provide a roster of players. He stated he would provide the roster to the Clerk’s Office

Council had a concurrence to authorize the request to use the fields.

PETITIONS AND COMMUNICATIONS:

A request was received from St. Luke’s Church to hang a banner across Main Street at Willow Avenue from October 27, 2015, through November 27, 2015. The banner will announce their annual church fair, from which all proceeds go to charity. Council briefly discussed who would hang the banner and if any further approvals were needed from JCP&L.

Council was in concurrence to authorize the request to hang a banner across Main Street. Additionally, Council agreed to have the Roads Committee contact St. Luke’s Church, after the fair, to remind them to take down the banner.

REPORTS OF COMMITTEES / RESOLUTIONS

FINANCE: *(Suriano/Corigliano)*

AUTHORIZING AN INCREASE TO THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO APRUZZESE, MCDERMOTT, MASTRO & MURPHY, P.C. OF LIBERTY CORNER, NEW JERSEY FOR THE SERVICES OF LABOR COUNSEL AT THE RATE OF \$175 PER HOUR IN AN AMOUNT OF \$5,000 SO AS NOT TO EXCEED THE AGGREGATE AMOUNT OF \$10,000 FOR THE DURATION OF THE PROFESIONAL SERVICES CONTRACT WHICH EXPIRES DECEMBER 31, 2015.

Councilman Suriano reviewed this resolution. He stated the Council had originally approved this contract for an amount not to exceed \$5,000. He stated this resolution increases that amount another \$5,000 so as not to exceed the amount of \$10,000 for 2015.

Councilman Suriano moved to adopt resolution #121-15. Councilman Smith seconded that motion.

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

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

Resolution #121-15 was adopted.

A copy of resolution #121-15 is appended to the official minutes.

Council had a discussion on how to efficiently and cost-effectively communicate with Borough professional consultants. Council agreed that members should be mindful the Borough is being charged when communicating with consultants.

Council had a discussion concerning a check that was submitted by a resident for quarterly taxes. The account was assessed a late fee because the Finance Department could not accept the submitted check due to several errors on it. Council had a concurrence to waive the late fee that was incurred.

SANITATION/SEWER: *(Smith/Caminiti)*

No formal report.

BOROUGH PROPERTY: *(Corigliano/Smith)*

Council discussed an application the Borough received from the Recreation Commission for use of a soccer field on Saturdays in September through November.

Council had a concurrence to approve this application.

Komline House Auction Update

Councilman Corigliano provided an update. He stated the auction was scheduled for September 29, 2015, at Borough Hall. He also stated the application to subdivide would go before the Borough Land Use Board on September 16, 2015, and Mr. Bruder would be representing the Borough. Councilman Corigliano stated Council would know the results of the auction at the September 29, 2015, Council meeting.

FIRE/ INFORMATION SYSTEMS: (Simpson/Gunning)

No formal report.

POLICE: (Gunning/Suriano)

Councilman Gunning stated Borough Chief of Police Greg Skinner provided Council with a report of the recent Drive Sober Or Get Pulled Over Statewide Labor Day Crackdown Grant.

ROADS/TRANSPORTATION: (Caminiti/Simpson)

Councilman Caminiti stated the Borough's Department of Public Works continues to patch potholes on Mosle Road, Sheephill Drive and Forest View Drive.

Councilman Caminiti provided an update of the Branch Road Phase II project. He stated the project was almost complete and just needed some final detail work. Additionally, he reported that Mendham Township will be repaving the portion of Branch Road that is in the Township.

LEGAL: (John E. Bruder, Esq.)

Mr. Bruder provided Council with an update on a few items he was working on. He stated he is working with Borough Engineer Bill Ryden on access easements for the Komline Property that is scheduled to be auctioned September 29, 2015.

Mr. Bruder reported he will be representing the Borough in a roll back tax hearing concerning the Brady Farm.

MISCELLANEOUS COUNCIL BUSINESS

LIBERTY PARK

Councilman Smith provided an update on the Liberty Park Association (LPA) meeting held August 17, 2015. He stated he and Department of Public Works Superintendent Rodney McCatharn conducted a site visit of the park with two tree-removal companies to get quotes for the pruning and removing of certain trees in the park. He stated there are safety issues that need to be addressed concerning the trees.

Council briefly discussed options on how it would fund this project including the possible use of the Open Space Trust Fund. Council was in consensus to move forward with this project.

Councilman Smith stated he and Mr. McCatharn are also working on hiring a company to hydro rake the pond in late November after the leaves had fallen from the trees. Council discussed using funds from a bond ordinance, for park maintenance, to fund this project.

Councilman Smith stated these maintenance issues need to be addressed so the park can be reevaluated next spring and proper course of action regarding the park can planned.

Councilman Smith stated the LPA would like to hire a company to take samples of the pond so as to ascertain the type of algae that is present. Council was in consensus to authorize \$600 for this purpose.

Council had a discussion on funding general maintenance for the park as opposed to funding long-term-solution projects.

Councilman Simpson arrived at 8:35 p.m.

Councilman Smith stated the next LPA meeting will be held September 15, 2015.

MOUNT SAINT JOHN PROPERTY

Councilman Smith provided an update on the Mendham Township Planning Board meeting he attended where an application was heard for a development at the Mount Saint John property located in Mendham. He attended the meeting with Mayor Muller and Land Use Board Attorney Roger Thomas. Councilman Smith stated he was concerned with the development because of its impact on the Borough. He stated that although it was located in Mendham, the only access to the development was from St. John's Drive which is located in the Borough. He stated he was concerned Peapack & Gladstone emergency services would be the first responders for this development. He also stated he was concerned with the amount of construction vehicles that would be going through the area during the construction phase of the development.

Council discussed the application and the impact of this development on the Borough.

The meeting was opened to the public on this topic.

Jeff Toyia, who represents the developer for this project, stated that he would like to encourage Council to allow the application process to continue before it formed an opinion. He also encouraged Council to have discussions with Mendham regarding shared services for emergency responders. Council and Mr. Toyia discussed St. Johns Road, including the intersection of Mosle Road. He stated the improvements to St. Johns Drive would benefit the Borough and Borough residents who live on that road.

Pat Ciotta, 14 St. Johns Drive, stated St. Johns Drive was in terrible condition and this development was an opportunity to improve this road. Mr. Ciotta also stated he was not concerned with traffic.

Dominick Lorenzo, 65 Mosle Road, stated he supports the project. He stated agreements could be made with Mendham Township to allay the concerns regarding overburdening the Borough's emergency responders.

John Skinner, 1st Lieutenant of the Peapack & Gladstone Rescue Squad, addressed Council regarding its concerns about the use of the Borough's emergency responders to this development. He stated other municipalities in the area have shared services agreements for emergency services and an agreement could be worked out with Mendham for this development.

Council and Mr. Skinner discussed the use of a local health organization to provide rescue service to Borough during the day. Mr. Skinner stated he felt the service provided to the Borough by the Rescue Squad was better than any local health organization could provide.

Beverly Tiger, 16 St. Johns Drive, asked Councilman Smith to clarify his position regarding the Borough providing emergency services to the area. Councilman Smith stated he was not concerned about the Borough providing emergency services to Borough residents along St. Johns Drive. He stated he was concerned with the additional 53 units in the development and the stress it would cause to the emergency services assets. Ms. Tiger stated she was in favor of the project because it would provide improvements to St. Johns Drive that will not occur otherwise. She also stated this project could help the local economy because the occupants of the 53 units would shop at the stores in the Borough.

Vincenzo Clemente, 69 Mosle Road, stated he attended the Mendham Planning Board hearing on this project. He stated that although it sounds like a nice project he has a few concerns including emergency services, traffic and lack of ratables. He stated he is aware of the egress at the top of the hill that leads to Carriage Hill Drive. He suggested the Borough look into having the project utilize the egress easement that runs through preserved land to Carriage Hill Drive.

Jeff Toyia stated the use of the egress easement that leads to Carriage Hill Drive would be too difficult and expensive for this project. He stated this would not be a viable solution.

Ken Tiger, 16 St. Johns Drive, asked if this project did utilize the egress easement that leads to Carriage Hill Drive, would the Borough make the improvements to St. Johns Drive. Council stated it was not prepared to answer hypothetical questions.

JOB DESCRIPTION PROJECT

Councilman Smith stated he is continuing to work on the project to revise the job descriptions for Borough employees. He stated he would bring it back to Council for discussion at the October 13, 2015, meeting after he meets with the Borough's department heads.

SIGNS

Council had a brief discussion regarding signs in the Borough. Council discussed consistency of adhering to the Borough's code regarding the display of signs. Council directed Mr. Herrera to contact the Recreation Commission and inform them they need to receive Council's approval before placing signs around the Borough for Art in the Park 2016.

ICE SKATING RINK

Councilman Simpson presented an idea to Council that would create a natural skating rink at the ballfields located at the Municipal Complex. Council agreed to have Councilman Simpson and the Recreation Commission make a formal presentation at the October 13, 2015, Council meeting.

OPEN SPACE ADVISORY COMMITTEE

Councilman Suriano stated the Open Space Advisory Committee will be meeting on September 21, 2015. At this meeting, OSAC will be discussing the Blue Bird Farm application. The Borough was recently notified the acquisition of this farm will not be funded through the federal program. At its September 21, 2015, meeting, OSAC will be discussing whether it will be making a recommendation to Council to move forward with the acquisition by seeking 20% from the Somerset County Agriculture Development Board and committing 20% from the Borough's OSTF to complete the Municipal Planning Incentive Grant funds of \$750,000. He asked if Council felt Borough Planner John Szabo should attend this meeting. Council was in consensus not to have Mr. Szabo attend the meeting. Additionally, Council was in consensus to move the OSAC presentation to the October 13, 2015, Council meeting and have Mr. Szabo attend that meeting.

MOSLE ROAD

Councilman Suriano informed Council of Mr. McCatharn's desire to begin the Mosle Road project in the early spring of 2016. In order to do so, Council would need to amend the Capital Budget so it could have the funds in place. He stated that although the project is being funded by a grant, the grant is on a reimbursement basis. He stated the other option would be to place this project in the 2016 Capital Budget but that would push the start date back to the late spring/early summer of 2016. Council was in consensus to wait and place this project in the 2016 Capital Budget.

RESIGNATION OF BARBARA OSMUN

Mr. Herrera informed Council it needed to formally accept the resignation of Construction Code Secretary / Land Use Board Recording Secretary Barbara Osmun effective August 13, 2015.

Councilman Caminiti made a motion to accept this resignation. 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	Nay
Councilman Suriano	Aye

Resolution #122-15 was adopted.

A copy of resolution #122-15 is appended to the official minutes.

RESOLUTION TO TEMPORARILY APPOINT RUTH SPAE AS SECRETARY TO THE OFFICE OF THE LAND USE BOARD AND CONSTRUCTION CODE OFFICE AT A SALARY OF \$21 PER HOUR

Councilman Corigliano moved to adopt resolution #123-15. Councilman Smith seconded that motion.

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

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

Resolution #123-15 was adopted.

A copy of resolution #123-15 is appended to the official minutes.

EXECUTIVE SESSION

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS PERSONNEL

Councilman Gunning moved to adopt resolution #124-15, 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
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Councilman Corigliano	Aye
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #124-15 was adopted.
 A copy of resolution #124-15 is appended to the official minutes

Council convened in closed session at 10:22 p.m.
 Council reconvened in open session at 11:28 p.m.

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

ADJOURNMENT

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

APPROVED:

HECTOR HERRERA
 BOROUGH CLERK

WILLIAM MULLER
 MAYOR

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 121-15

AUTHORIZING AN INCREASE TO THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO APRUZZESE, MCDERMOTT, MASTRO & MURPHY, P.C. OF LIBERTY CORNER, NEW JERSEY FOR THE SERVICES OF LABOR COUNSEL AT THE RATE OF \$175 PER HOUR IN AN AMOUNT OF \$5,000 SO AS NOT TO EXCEED THE AGGREGATE AMOUNT OF \$10,000 FOR THE DURATION OF THE PROFESSIONAL SERVICES CONTRACT WHICH EXPIRES DECEMBER 31, 2015.

WHEREAS, the Borough of Peapack & Gladstone awarded a professional services contract for the services of a professional labor attorney to the firm APRUZZESE, MCDERMOTT, MASTRO & MURPHY, P.C. OF LIBERTY CORNER, NEW JERSEY on June 9, 2015; and

WHEREAS, such award was made as a non-fair and open contract at a rate of \$175 per hour in an amount not to exceed \$5,000; and

WHEREAS, the Borough has a need to increase the amount of the award an additional \$5,000 so as to continue to engage the labor counsel services of APRUZZESE, McDERMOTT, MASTRO & MURPHY, P.C.; and

WHEREAS, a certification affirming the availability of funds in accordance with N.J.A.C. 5:34-5.1 et seq. has been provided by the Director of Finance and is attached hereto and made a part hereof, indicating that the appropriation for the within expenditure is to be funded from the 2015 Budget Current Account; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Peapack & Gladstone, County of Somerset and State of New Jersey that it hereby authorizes the Borough to increase the award of the contract with APRUZZESE, McDERMOTT, MASTRO & MURPHY, P.C., an additional \$5,000 not to exceed the aggregate amount of \$10,000 for the duration of the contract which expires December 31, 2015.

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 8, 2015

BOROUGH OF PEAPACK AND GLADSTONE

RESOLUTION NO. 122-15

ACCEPTING THE VERBAL RESIGNATION OF BARBARA OSMUN

WHEREAS, Borough employee Barbara Osmun verbally resigned her position of employment with the Borough on August 13, 2015;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Peapack and Gladstone that it hereby accepts Ms. Osmun’s resignation.

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

Adopted: September 8, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 123-15

RESOLUTION TO TEMPORARILY APPOINT RUTH SPAE AS SECRETARY TO THE OFFICE OF THE LAND USE BOARD AND CONSTRUCTION CODE OFFICE

WHEREAS, the Borough Land Use Board and Construction Code office has expressed a need to replace the secretary who resigned August 14, 2015; and

WHEREAS, the Borough has investigated this subject and concurs there exists a need for a secretary to the Land Use Board and Construction Code Office; and

WHEREAS, the Borough Administrator has sought and solicited qualified candidates to temporarily fill the aforesaid positions; and

WHEREAS, the Borough Administrator, Mayor, Construction Code Official and Chairman of the Land Use Board conducted the interview process of various candidates; and

WHEREAS the Borough Administrator recommends that Ruth Spae be hired to temporarily fill the aforesaid position, and the Human Resources Committee concurs with that recommendation.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Peapack & Gladstone that Ruth Spae is hereby temporarily appointed as the secretary to the Borough Land Use Board and Borough Construction Code Office at a rate \$21 per hour, effective starting date September 10, 2015.

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

Adopted: September 8, 2015

BOROUGH OF PEAPACK AND GLADSTONE

RESOLUTION NO.124-15

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

- **PERSONNEL**

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

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

Adopted: September 8, 2015