

**MINUTES OF THE PEAPACK & GLADSTONE BOROUGH COUNCIL
JUNE 9, 2015, COUNCIL CHAMBERS 7 PM
REGULAR MEETING**

The Borough Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey, convened in a regular session meeting on Tuesday, June 9, 2015, at 7:00 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.

On May 27, 2015, notice of a time change was sent to the Bernardsville News and printed on June 4, 2015, posted on the Borough website; and posted on the official bulletin board in the Municipal Building.

FLAG SALUTE

Councilman Suriano led the salute to the flag.

ROLL CALL

On the call of the roll, the following were present:

William Muller, Mayor (absent)
Gian Paolo Caminiti (absent)
Mark Corigliano
Gerald J. Gunning
T. William Simpson
Royal Smith
Anthony Suriano

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

EXECUTIVE SESSION

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS LITIGATION (COAH)

Councilman Gunning moved to adopt resolution #086-15, which authorized for a closed session to discuss litigation involving COAH. Councilman Smith seconded that motion.

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

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

Resolution #086-15 was adopted.

A copy of resolution #086-15 is appended to the official minutes.

Council convened in closed session at 7:07 p.m.

Council reconvened in open session at 7:34 p.m.

MINUTES

Councilman Corigliano made a motion that the reading of the minutes be dispensed with, and the minutes of the regular meeting of May 23, 2015, and the closed session of May 23, 2015, stand approved, as submitted, by the Borough Clerk, to the Mayor and Borough Council. Councilman Gunning seconded that motion.

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

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

MISCELLANEOUS COUNCIL BUSINESS

Land Use Board Counsel Roger Thomas requested the Borough Council to consider the following resolutions to memorialize an official action emanating from discussions conducted in executive session.

AUTHORIZING THE PURCHASE OF THE DR. ROBERT BURCHELL REPORT TO FURTHER LITIGATION ACTIVITIES INVOLVING COUNCIL ON AFFORDABLE HOUSING LITIGATIONS IN THE AMOUNT OF \$2,000

Councilman Corigliano moved to adopt the resolution as referenced above, which subsequently became known as resolution #087-15. Councilman Smith seconded that motion.

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

Councilman Caminiti	Absent
Councilman Corigliano	Aye

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

Resolution #087-15 was adopted.
 A copy of resolution #087-15 is appended to the official minutes.

AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT ACTION, MOTION FOR TEMPORARY IMMUNITY AND REQUEST FOR USE AND DISPOSITION OF AFFORDABLE HOUSING TRUST FUNDS, WITH THE COURT REGARDING THE BOROUGH OF PEAPACK & GLADSTONE’S AFFORDABLE HOUSING PLAN

Councilman Suriano asked that language be added to this resolution to address the cost of professionals (Land Use Board Attorney and Borough Planner) and how the professionals would be paid. He asked that the language state the anticipated costs for the Planner will be \$7,500.00 and the anticipated costs for the Land Use Board Attorney will be \$25,000.

Councilman Suriano moved to adopt the resolution as referenced above with the suggested language addenda thereto. Councilman Simpson seconded that motion, and the resolution subsequently became known as resolution #088-15.

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

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

Resolution #088-15 was adopted.
 A copy of resolution #088-15 is appended to the official minutes.

AUTHORIZING LAND USE BOARD COUNSEL ROGER THOMAS TO COMMUNICATE WITH SOMERSET COUNTY VICINAGE JUDGE HON. EDWARD M. COLEMAN, P.J.CH. ON BEHALF OF THE BOROUGH OF PEAPACK & GLADSTONE BASED ON THE OBJECTION TO A CORRESPONDENCE SENT TO JUDGE COLEMAN BY THE NEW JERSEY BUILDERS ASSOCIATION REGARDING AFFORDABLE HOUSING METHODOLOGY

Councilman Corigliano moved to adopt the resolution as referenced above, which subsequently became known as resolution #089-15. Councilman Simpson seconded that motion.

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

Councilman Caminiti	Absent
Councilman Corigliano	Aye

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

Resolution #089-15 was adopted.
A copy of resolution #089-15 is appended to the official minutes.

PUBLIC COMMENT FOR NON-AGENDA ITEMS

Len Albanese Farm Cottage Road asked Council about the Borough’s policy concerning bear intrusion and their potential impact to public safety. Council informed Mr. Albanese to contact the Police Department who would, in turn, contact animal control.

Council agreed to have Councilman Smith contact the State Division of Fish & Wildlife to research this matter further and come back to Council with his findings.

No one else wished to be heard.

PRESENTATIONS

There no presentations.

PETITIONS AND COMMUNICATIONS:

There no petitions and communications.

REPORTS OF COMMITTEES / RESOLUTIONS

FINANCE: *(Suriano/Corigliano)*

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF RADIOS/TELECOMMUNICATIONS EQUIPMENT BY THE BOROUGH OF PEAPACK & GLADSTONE, APPROPRIATING \$102,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$97,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Council clarified this bond ordinance was established so that it would be paid over five years.

PUBLIC HEARING

Councilman Suriano opened the public hearing on this ordinance.

No one wished to be heard.

Councilman Suriano closed the public hearing on this ordinance.

FINAL ADOPTION RESOLUTION

Councilman Suriano moved to adopt resolution #090-15 and ordinance #1012, both of which provide for the appropriation of \$102,000.00 through the issuance of \$97,000.00 in bonds/notes to finance part of the cost to purchase the radio/telecommunications required by the Borough's Police and Fire Departments. Councilman Corigliano seconded that motion.

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

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

Resolution #090-15 / ordinance #1012 was adopted.

A copy of resolution #090-15 / ordinance #1012 is appended to the official minutes.

BOND ORDINANCE PROVIDING FOR MILLING/PAVING IMPROVEMENTS TO VARIOUS ROADS LOCATED WITHIN THE BOROUGH OF PEAPACK & GLADSTONE, APPROPRIATING \$199,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$189,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

PUBLIC HEARING

Councilman Suriano opened the public hearing on this ordinance.

No one wished to be heard.

Councilman Suriano closed the public hearing on this ordinance.

FINAL ADOPTION RESOLUTION

Councilman Suriano moved to adopt resolution #091-15 and ordinance #1013, both of which provide for the milling and paving improvements to various roads located within the Borough of Peapack & Gladstone. Councilman Corigliano seconded that motion.

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

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

Resolution #091-15 / ordinance #1013 was adopted.

A copy of resolution #091-15 / ordinance #1013 is appended to the official minutes.

AUTHORIZING 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 NOT TO EXCEED \$5,000

Councilman Suriano reviewed the hourly rate for this service. The proposed rate was \$200, which is more than the rate of the current Borough Attorney. Mr. Bruder, through the instructions from the council, negotiated the professional service contract with the above named law firm and they agreed to lower their hourly rate from \$200.00 to \$175.00, so that it is consistent with the Borough Attorney’s current rate of compensation.

Councilman Gunning moved to adopt resolution #092-15. Councilman Smith seconded that motion.

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

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

Resolution #092-15 was adopted.

A copy of resolution #092-15 is appended to the official minutes.

SANITATION/SEWER: *(Smith/Caminiti)*

Mr. Herrera reported that bids for the collection of solid waste were opened earlier in the day. He stated a resolution would be on the next agenda to award the contract.

BOROUGH PROPERTY: *(Corigliano/Smith)*

Senior Van

Councilman Corigliano reviewed the current status of the senior van. The van is currently out of service pending the Borough’s investigation of damage on the van. Councilman Corigliano stated he looked into services provided by Somerset County which offers a per-mile service. He also contacted Bedminster Township about the possibility of sharing that service. Council concurred to have Councilman Corigliano and Mr. Herrera meet with Bedminster officials to discuss an agreement.

Story-Walk Project - Liberty Park

Councilman Corigliano informed Council that he received a request from the Friends of the Peapack & Gladstone Library. They would like to do the story-walk project again this year. The project would occur over four months. Council concurred to approve the request.

Firehouse Renovations Update

Councilman Corigliano updated Council on the progress of the renovations to the upper level of the firehouse. He stated he met with the architect and the plans should be ready within the next few weeks.

Councilman Corigliano stated he would like to share the plans with the President of the Fire Company but has been unsuccessful in setting a meeting.

Master Plan Reexamination Report

Councilman Corigliano informed Council the Land Use Board Attorney officially submitted the Master Plan Re-Examination Report to the Borough Council. Council agreed to have Mr. Bruder work with the Land Use Board Attorney to draft the necessary ordinances.

Council agreed to address the proposed ordinances separately as opposed to addressing all of them at one time.

FIRE/ INFORMATION SYSTEMS: (Simpson/Gunning)

No report.

POLICE: (Gunning/Suriano)

Councilman Gunning stated the committee identified a candidate for the position of a Special Class II officer. That candidate is in the process of getting physical and psychological examinations to ensure he is fit for duty. Council concurred that they would like to meet the candidate after successful completion of the exams.

ROADS/TRANSPORTATION: (Caminiti/Simpson)

No report.

LEGAL: (John E. Bruder, Esq.)

Mr. Bruder reported that all County Tax Board appeals had been resolved.

MISCELLANEOUS COUNCIL BUSINESS

Discussion: Library Escrow Fees

Councilman Gunning stated there is an agreement between the Borough and the Friends of the Peapack & Gladstone Library regarding the renovation project. One of the unresolved issues was whether the Borough was going to require the Friends to put money in escrow for professional services. Cm. Corigliano advised the council that based on prior discussions, he was under the impression that the borough was not receptive to the assumption of any cost

related to the library expansion. He went on to say that it was for this reason that the draft agreement between the Borough and Friends of the PG Library specifically excluded the Borough from assuming the cost to compensate the borough engineer for his professional oversight of the project. After reconsideration, the council agreed that the Borough would compensate the professionals to participate in the LUB review of the application as well as the borough engineer for services provided in connection with the project construction. The council further stipulated a \$5000.00 limit on what it would pay for the engineering services: the Friends of the Library would assume any amount above that figure.

AUTHORIZING THE EXPENDITURE OF BOROUGH FUNDS FOR SERVICES PROVIDED BY THE BOROUGH ENGINEER RELATED TO THE RENOVATION OF THE PEAPACK & GLADSTONE LIBRARY BY THE FRIENDS OF THE PEAPACK & GLADSTONE LIBRARY IN AN THE AMOUNT NOT TO EXCEED \$5,000

Councilman Gunning moved to adopt resolution #093-15 as referenced above. Councilman Simpson seconded that motion.

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

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

Resolution #093-15 was adopted.

A copy of resolution #093-15 is appended to the official minutes.

Councilman Smith reported the Gladstone Methodist Church had its last service on June 6, 2015. The collection during that service, approximately \$300, was donated to the Borough Trails Committee.

Councilman Suriano reported the Women's Association of Morristown Medical Center, who hosts the Mansions in May event, submitted their application to Somerset County to have the event at Natirar in 2016. The County approved the application. Representatives of WAMMC understand they will need to apply to the Borough Council for a special-use permit. That application is forthcoming.

Councilman Suriano provided Council with an update concerning the soft costs of bond ordinance and the recommendations from the auditor and bond counsel regarding the need for a registered municipal financial advisor. He stated that the Finance Committee discussed with bond counsel and the auditor whether the Borough needed this advisory service. The Finance Committee opined that there was no real need to hire a financial advisor to perfect this municipal bond offering, which would result in a soft cost savings of upwards of \$4000.00 to the

municipality. Cm. Suriano then solicited the advise of council and they unanimously concluded that the services of a registered municipal financial advisor was not necessary in preparation of this bond offering.

Mr. Herrera made the following statement in response to discussions in the community concerning a personal matter:

In June of 2014, I was involved in a personal incident. Specifically, an unknown person called the police to our home because they heard that my partner and I were arguing.

The argument had subsided and we were in the midst of our bedtime routine. During this time, I knocked over a ladder and it unintentionally hit her wrist. There was no bruise, scratch, or mark on her wrist and there was no need for medical attention.

The police arrived to our home sometime later. We both informed the officers this was a personal matter. We let them know we had never been involved in a situation like this in the past. Additionally, my partner informed the officers that she did not wish to press charges or escalate the matter further.

The officers informed her that they were placing me under arrest and did not need her cooperation to do so.

We immediately hired an attorney who guided us through the legal process. The charges were dismissed at the superior court level, the municipal court level and a NJ judge granted our requested to have the matter expunged.

PUBLIC COMMENT

Nick Baldwin of the Borough Green Team provided Council with an update of the team's activities. He described the Team's mission. He also discussed the Team's efforts to reduce the number of streetlights that are currently illuminated. Council asked Mr. Baldwin what the Council could do to assist the Green Team with its efforts. Mr. Baldwin stated that providing the Green Team with some direction would be helpful as the Council has a better idea of the Borough's needs.

Ronald Hill, 42 Old Chester Road, stated he would like the Council to solicit input from the community before it reduces the amount of street lights that are illuminated at night.

No one else wished to be heard.

EXECUTIVE SESSION

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS PERSONNEL

Councilman Gunning moved to adopt resolution #094-15. Councilman Smith seconded that motion.

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

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

Resolution #094-15 was adopted.

A copy of resolution #094-15 is appended to the official minutes.

Council convened in closed session at 8:52 p.m.

Council reconvened in open session at 9:50 p.m.

AUDITING OF CLAIMS:

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

ADJOURNMENT

On the motion of Councilman Suriano, second by Councilman Gunning, the meeting adjourned at 9:53 p.m.

APPROVED:

HECTOR HERRERA
BOROUGH CLERK

WILLIAM MULLER
MAYOR

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 086-15

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS LITIGATION – COAH

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Peapack & 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 – COAH**

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

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

Adopted: June 9, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 087-15

AUTHORIZING THE PURCHASE OF THE DR. ROBERT BURCHELL REPORT TO FURTHER LITIGATION ACTIVITIES INVOLVING COUNCIL ON AFFORDABLE HOUSING LITIGATIONS IN THE AMOUNT OF \$2,000

WHEREAS, the Borough of Peapack & Gladstone is desirous of purchasing a report to rebut the finds of the Bernard/Kinsey reports that have been submitted by the Fair Share Housing Center and the New Jersey Builders Association, and

WHEREAS, Land Use Board Counsel Roger Thomas recommends the purchase of this report and advised it to be an important element of the Borough's declaratory judgement action.

WHEREAS, Mr. Thomas advises the report with assist the Borough Planner establish an acceptable alternative methodology to the Bernard/Kinsey reports and will allow the Borough Planner to take a more local information to modify the number of COAH units that would be allowable.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Peapack & Gladstone, that an amount not to exceed \$2,000 has been authorized to purchase the Dr. Burchell report.

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

Adopted: June 9, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 088-15

AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT ACTION, MOTION FOR TEMPORARY IMMUNITY AND REQUEST FOR USE AND DISPOSITION OF AFFORDABLE HOUSING TRUST FUNDS, WITH THE COURT REGARDING THE BOROUGH OF PEAPACK & GLADSTONE'S AFFORDABLE HOUSING PLAN

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued a decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing (the "Decision"), which, among other things, stripped the Council on Affordable Housing ("COAH") of its power in the affordable housing process and transferred all Mount Laurel/Fair Housing Act matters to the Superior Courts; and

WHEREAS, as set forth in the Decision, commencing on June 8, 2015, and terminating on July 8, 2015, municipalities that achieved substantive certification from COAH under prior iterations of the Third Round Rules before they were invalidated, and municipalities that had been granted "participating" status before COAH because the municipality filed an adopted Housing Element & Fair Share Plan, may choose affirmatively to seek through a Declaratory Judgment action, filed on notice to the Fair Share Housing Center (the "FSHC") and interested parties, a court order declaring its Housing Element & Fair Share Plan and implementing ordinances, constitutionally sufficient. Such actions are to be filed with the designated Mount Laurel judge assigned in the appropriate vicinage to hear such actions; and

WHEREAS, as further set forth in the Decision, a municipality that was granted "participating" status before COAH, may include in its submission to the court, a plan that it believes represents proof of constitutional compliance with its Mount Laurel obligations; request a grant of five months in which to submit a supplemental Housing Element and Affordable Housing Plan to the court as it deems appropriate; and request that the court, during this review period, provide initial immunity to the municipality to prevent any exclusionary zoning actions from proceeding against the municipality pending the court's determination of the municipality's presumptive compliance with its Mount Laurel obligations. If a participating municipality chooses not to affirmatively seek such a declaration and action by the court during this thirty day period, the municipality's affordable housing plan may then be challenged for constitutional compliance by an action filed with the court by the FSHC or other interested parties ; and

WHEREAS, in addition to the March Decision, on April 9, 2015, the New Jersey Appellate Division issued a decision, In Re Failure of the Council on Affordable Housing to Adopt Trust Fund Commitment Regulations, which among other things, enjoined the seizure of any Affordable Housing Trust Funds by COAH or the Executive Branch, and directed that the future use and disposition of the Trust Funds be directed and decided by the Mount-Laurel designated trial judges on a case-by-case basis; and

WHEREAS, resort to the courts regarding the use of a municipality's Affordable Housing Trust Fund, is subject to the same timelines and parameters set forth in the March 10, 2015, Decision

and consequently, a Declaratory Judgment action filed by a “participating” municipality should also address the use and disposition of the municipality’s Affordable Housing Trust Funds; and

WHEREAS, the Borough is a “participating” municipality under the Decision and consequently, has the option to affirmatively seek a declaration from the court through a Declaratory Judgment action as to the constitutional compliance of its Housing Element and Fair Share Plan, and to also seek the protection of temporary immunity during the court’s review, as set forth in the Decision; and

WHEREAS, it is the desire of the Borough to affirmatively proceed as authorized by the Supreme Court in its Decision, to have the court assume jurisdiction over and review and take action as to the Borough’s Housing Element and Fair Share Plan and therefore, Council hereby authorizes the Land Use Board Attorney to file a Declaratory Judgment action, Motion for Temporary Immunity and Request as to the Borough’s use and disposition of its Affordable Housing Trust Funds, with the designated Mount Laurel Judge as set forth herein and in accordance with the direction provided by the Courts in both the March 10, 2015 and April 9, 2015 Decisions.

NOW THEREFORE BE IT RESOLVED by the Borough of the Borough of Peapack & Gladstone, Somerset County, as follows:

1. The Borough Council hereby approves and authorizes the Borough Land Use Board Attorney to file a Declaratory Judgment action, Motion for Temporary Immunity and Request as to the Borough’s use and disposition of its Affordable Housing Trust Funds, with the designated Mount Laurel Judge as set forth herein and in accordance with the direction provided by the Courts in both the March 10, 2015, and April 9, 2015, Decisions.
2. Said Declaratory Judgement Action shall be filed no later than July 8, 2015, the deadline set forth in the above referenced New Jersey Supreme Court decision for filing such action.
3. The Mayor, Council and Borough Administrator are hereby authorized to execute any and all documents necessary to implement and effectuate this Resolution.
4. The cost to the Borough for the work performed by the Borough Planner will not exceed \$7,500 and the work performed by the Land Use Board Council will not exceed \$25,000. These services shall be paid for out the administrative portion of the Housing Trust Fund.

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

Adopted: June 9, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 089-15

AUTHORIZING LAND USE BOARD COUNSEL ROGER THOMAS TO COMMUNICATE WITH SOMERSET COUNTY VICINAGE JUDGE HON. EDWARD M. COLEMAN, P.J.CH. ON BEHALF OF THE BOROUGH OF PEAPACK & GLADSTONE BASED ON THE OBJECTION TO A CORRESPONDENCE SENT TO JUDGE COLEMAN BY THE NEW JERSEY BUILDERS ASSOCIATION REGARDING AFFORDABLE HOUSING METHODOLOGY

WHEREAS, the Honorable EDWARD M. COLEMAN, P.J.CH., has been assigned by the New Jersey Supreme Court as the Somerset County Vicinage judge to preside over the Council On Affordable Housing Litigation; and

WHEREAS, the Borough of Peapack & Gladstone is desirous to communicate its objection to Judge Coleman regarding the New Jersey Builders Association letter to Judge Coleman regarding affordable housing methodology; and

WHEREAS, the Borough Council has designated Land Use Board Counsel Roger Thomas to represent the Borough in the COAH litigation matter.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Peapack & Gladstone that it hereby authorizes Land Use Board Counsel Roger Thomas to communicate with Somerset County Vicinage Judge Hon. Edward M. Coleman, P.J.Ch. based on the objection to a correspondence sent to Judge Coleman by the New Jersey Builders Association regarding affordable housing methodology.

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

Adopted: June 9, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 090-15

RESOLVED that the ordinance entitled,

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF RADIOS/TELECOMMUNICATIONS EQUIPMENT BY THE BOROUGH OF PEAPACK AND GLADSTONE, APPROPRIATING \$102,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$97,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

now pending before this governing body be adopted and advertised as required by statute.

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

Adopted: June 9, 2015

**BOROUGH OF PEAPACK & GLADSTONE
ORDINANCE NO. 1012**

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF RADIOS/TELECOMMUNICATIONS EQUIPMENT BY THE BOROUGH OF PEAPACK & GLADSTONE, APROPRIATING \$102,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$97,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PEAPACK & GLADSTONE (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Peapack & Gladstone, a municipal corporation of the State of New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$102,000, including the sum of \$5,000 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment is now available by virtue of the provision for a down payment for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$97,000 pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement or purpose hereby authorized for which bonds or notes are to be issued is the purchase of radios/telecommunications equipment for the Borough's Police and Fire Departments.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 of this bond ordinance.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation stated in Section 1 of this bond ordinance.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time

subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell a part, or all, of the bond anticipation notes from time to time at public or private sale, and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest, if any, from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale of bond anticipation notes issued pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose described in Section 3 of this bond ordinance, computed on the basis of the amount of obligations authorized for the improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 7 years.

(c) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost of the improvement or purpose set forth in Section 3 of this bond ordinance.

(d) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and submitted to the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough is increased by \$97,000 (the amount of the authorization of the obligations provided for in this bond ordinance). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduced: May 26, 2015

Adopted: June 9, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 092-15

AUTHORIZING 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 NOT TO EXCEED \$5,000

WHEREAS, the Borough of Peapack & Gladstone is in need of the services of a professional labor attorney to assist with legal advice relating to general employment law related issues which may include reviewing and revising existing documents and providing training on employment related; and

WHEREAS, the Borough Council recommends the appointment of the firm APRUZZESE, MCDERMOTT, MASTRO & MURPHY, P.C. OF LIBERTY CORNER, NEW JERSEY to provide the services listed above for the year 2015 at a rate of \$175 per hour; and

WHEREAS, such award shall be made as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, APRUZZESE, McDERMOTT, MASTRO & MURPHY, P.C., has submitted a proposal indicating he will provide legal services to the municipality in accordance with the compensation described hereinabove; and

WHEREAS, APRUZZESE, McDERMOTT, MASTRO & MURPHY, P.C., completed and submitted a Business Entity Disclosure Certification which certifies that APRUZZESE, McDERMOTT, MASTRO & MURPHY, P.C., has not made any reportable contributions to a political or candidate committee in the name of William H. Horton, Gian-Paolo Caminiti, Mark Corigliano, Gerald J. Gunning, William Muller, T. William Simpson, Royal Smith and/or Anthony Suriano in the previous one year; 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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) requires the resolution authorizing the award of contract for "Professional Services," without competitive bids and the contract itself, must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Peapack and Gladstone, County of Somerset and State of New Jersey that it hereby authorizes the

Borough to enter into a contract with APRUZZESE, McDERMOTT, MASTRO & MURPHY, P.C., as described hereinabove.

BE IT FURTHER RESOLVED, that this Contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A: 11-5(1)(a) of the Local Public Contracts Law because these services are rendered or performed by a person authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED, that a notice of this action shall be printed once in the Bernardsville News.

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

Adopted: June 9, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 093-15

AUTHORIZING THE EXPENDITURE OF BOROUGH FUNDS FOR SERVICES PROVIDED BY THE BOROUGH ENGINEER RELATED TO THE RENOVATION OF THE PEAPACK & GLADSTONE LIBRARY BY THE FRIENDS OF THE PEAPACK & GLADSTONE LIBRARY IN AN THE AMOUNT NOT TO EXCEED \$5,000

WHEREAS, the Borough of Peapack & Gladstone is desirous of assisting the Friends of the Peapack & Gladstone Library with the renovations of the Peapack & Gladstone Library; and

WHEREAS, the Borough Council is in favor of assuming any engineering fees associated with the renovations.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Peapack & Gladstone, that the Borough Council will assume engineering fees associated with the Friends of the Peapack & Gladstone Library renovation of the Peapack & Gladstone Library in an amount not to exceed \$5,000 to be paid out of the General Engineering Line of the Municipal Budget.

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: June 9, 2015

BOROUGH OF PEAPACK AND GLADSTONE

RESOLUTION NO. 094-15

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

Adopted: June 9, 2015