

# MINUTES

## MINUTES OF THE COUNCIL OF THE BOROUGH OF PEAPACK & GLADSTONE

NOVEMBER 26, 2013

## REGULAR MEETING

7:30 PM

The meeting was called to order by Mayor Horton.

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 and Gladstone was given to the Courier News, Newark Star Ledger and the Bernardsville News on December 6, 2012 was posted at the Municipal Complex, School Street, the Peapack Post Office, Main Street, Peapack and the Gladstone Post Office, Main Street, Gladstone, New Jersey on December 6, 2012 and was mailed on December 6, 2012 to all those people who have requested individual notice and paid the required fee.

### SALUTE TO THE FLAG

### ROLL CALL:

**Present:** Gunning, Silacci, Simpson, Suriano, Sweeney

**Absent:** Muller

**MINUTES:** A motion by Cm. Simpson that the reading of the minutes be dispensed with, and that the minutes of the Regular Meeting of November 12, 2013 and the Budget Minutes of November 14, 2013 stand approved as submitted by the Borough Clerk to the Mayor and Borough Council, was 2nd by Cw. Silacci.

On call of the roll the following vote was cast:

**AYE:** Gunning, Silacci, Simpson, Suriano, Sweeney

**NAY:** None

**ABSENT:** Muller    **ABSTAINED:**

**EXECUTIVE SESSION MINUTES:** A motion by Cm. Sweeney that the reading of minutes be dispensed with and that the minutes of the Executive Session of October 22, 2013, for content only, stand approved as submitted by the Borough Clerk to the Mayor and Borough Council was 2<sup>nd</sup> by Cm. Suriano

On call of the roll the following vote was cast:

**AYE:** Gunning, Silacci, Simpson, Suriano, Sweeney

**NAY:** None

**ABSENT:** Muller

**ABSTAINED:** None

Cw. Silacci advised that due to the poor weather conditions, Sandy Urgo's presentation regarding the Green Light Approval received from the State Agricultural Development Committee (SADC) for Bluebird Farm would be tabled to a future meeting.

**Discussion Regarding Purchase of Portable Speed Limit Sign.**

Police Chief Skinner provided a brief video presentation on the software capabilities of the speed limit sign. Chief Skinner advised that the purchase price of this sign is \$4,575, which includes one year of a data plan. After that the data plan would cost \$2,850 for this sign plus the sign the Borough already owns. The cost is normally \$1,500 per sign. Cm. Gunning asked if a sign could be purchased that would only connect to a laptop and would not require a data plan. A discussion ensued. The benefits of having a portable sign were discussed, as well as the possibility of purchasing a sign that flashes the speed of an oncoming car and does not gather data. Chief Skinner advised he did not research the purchase price of such a sign. Cm. Sweeney advised that the monies are available this year in the police operating budget to purchase such the \$4,575 sign. Cm. Gunning reiterated his concerns regarding the annual cost of this sign going forward. Cw. Silacci moved, Cm. Sweeney seconded to purchase the portable speed limit sign with data collection capability.

On call of the roll the following vote was cast:

**AYE:** Silacci, Simpson, Suriano, Sweeney

**NAY:** Gunning

**ABSENT:** Muller

**ABSTAINED:** None

**Continued Discussion of Crosswalks at Highland Avenue and Main Street.**

In response to a question from Cm. Suriano, Police Chief Skinner confirmed that installation of the crosswalk would eliminate a parking space in front of the apartments at the corner of Highland and Main Street, but that the disabled person who required this parking space no longer resides in this building. A change to the Borough's parking ordinance would be required to eliminate this space. Council concurred on eliminating the parking space and on not installing the crosswalk across the commercial driveway as shown in Engineer Ryden's plans.

**Peapack and Gladstone Santa Visit.**

Chief Skinner advised that Council approval is not required for the closing of Main Street/Mendham Road for the procession, as these are County roads. Chief Skinner added that he has obtained County approval for the closing of these roads for this purpose.

**Executive Session – Matheny Litigation**

Cm. Sweeney advised that his wife, who is a special education teacher, also teaches CCD for St. Brigid’s Church. At the request of the pastor, she is now also teaching CCD to a Matheny student. She is doing it for the church, and is unpaid. She is a church volunteer. Cm. Sweeney relayed these facts to Borough Attorney Leslie Parikh, and has been advised that case law shows that there is no conflict. Attorney St. Angelo concurred, advising that the relationship is too remote and too attenuated to be a conflict. There is no chance that any outcome regarding this issue would impact her volunteer activities with the church. Ms. St. Angelo stated that she had prepared an opinion regarding this matter, and would provide it to the Mayor and Council.

Mayor Horton stated that the meeting would be closed to the public for an executive session meeting.

Attorney St. Angelo advised that prior to going into executive session, the Borough Council would be adopting a resolution invoking the doctrine of necessity so that Council members who would normally be conflicted out of the executive session can be present for the purposes of having a quorum. Mayor Horton, Cw. Silacci, and Cm. Simpson advised that they have a conflict. Cm. Simpson stated he would attend the executive session under the doctrine of necessity, and that his conflict is that he has volunteered for Miles for Matheny over the years.

**BOROUGH OF PEAPACK AND GLADSTONE  
RESOLUTION NO. 2013-118**

**WHEREAS**, the Local Government Ethics Law (the “Ethics Law”), N.J.S.A. 40A:22.1, was enacted by the New Jersey State Legislature to ensure and preserve public confidence in public officials and to provide specific ethical standards to guide their conduct; and

**WHEREAS**, the below listed Council members, which represent a majority of the Borough Council, have determined that they each, individually, may have conflicts of interest as defined by the Ethics Law relative to certain litigation involving the Matheny School and Hospital:

Mayor Horton  
Cw. Silacci  
Cm. Simpson

**WHEREAS**, it is the opinion of the Borough Counsel that, when it is deemed necessary for a Governing Body to invoke the Doctrine of Necessity, the Governing Body should state publicly that it is doing so, the reasons why it deems such an action is necessary and the specific nature of the conflicts of interest; and

**WHEREAS**, the reasons for the invocation of the doctrine have been relayed to the public.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body hereby invokes the Doctrine of Necessity for the reason that certain matters requiring immediate attention in litigation involving the Matheny School and Hospital cannot be acted upon without a quorum present and that the circumstances warrant the doctrine in this instance due to the conflicts of interest of certain members of the governing body who have a conflict in connection with certain matters involving the Matheny School and Hospital.

**BE IT FURTHER RESOLVED**, that, pursuant to the Doctrine of Necessity, the following Councilmembers are permitted to participate in an Executive Session to discuss matters relating to the litigation with the Matheny School and Hospital:

Cm. Simpson

Mayor Horton and Cw. Silacci advised that they would be recusing themselves from the meeting until such time as it reconvened in regular session.

This Resolution was introduced and moved for adoption by Cm. Gunning, 2nd by Cm. Sweeney:

On call of the roll the following vote was cast:

**AYE:** Gunning, Simpson, Suriano, Sweeney

**NAY:** None

**ABSENT:** Muller

**ABSTAINED:** Silacci

**BOROUGH OF PEAPACK AND GLADSTONE  
RESOLUTION NO. 116-13**

**BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Peapack and Gladstone that in compliance with N.J.S.A. 10:7b7 this meeting will be closed to the public to discuss the following matter:

**LITIGATION – MATHENY**

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.

This Resolution was introduced and moved for adoption by Cm. Gunning, 2nd by Cm. Suriano:

On call of the roll the following vote was cast:

**AYE:** Gunning, Simpson, Suriano, Sweeney

**NAY:** None **ABSENT:** Muller

**ABSTAINED:** Silacci

Members of the Borough Council met in Executive Session at 8:20 P.M.

The Regular Meeting was reconvened at 8:57 P.M.

**PRESENTATION AND CONSIDERATION OF ORDINANCES:**

The following Ordinance No. 996 was read by the Borough Clerk and submitted to the Mayor and Council for consideration on **first** reading:

**BOROUGH OF PEAPACK AND GLADSTONE**

**ORDINANCE NO. 996**

**AN ORDINANCE APPROPRIATING CERTAIN MONIES HELD BY  
THE BOROUGH OF PEAPACK AND GLADSTONE INCLUDING AN  
INSURANCE REFUND FROM CHUBB INSURANCE COMPANY FOR  
THE REPLACEMENT OF DPW EQUIPMENT**

A motion to adopt this Ordinance on **first** reading was made by Cm. Sweeney, 2<sup>nd</sup> by Cm. Gunning.

**WHEREAS**, the Mayor and Borough Council of the Borough of Peapack and Gladstone have determined that there is a need to appropriate certain monies for the replacement of the DPW equipment destroyed in a fire.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Peapack and Gladstone that there is hereby appropriated the sum of \$46,100, including an insurance claim refund in the amount of \$37,840 received from the Chubb Insurance Company of New Jersey and the balance in the amount of \$8,260 to be appropriated from the Capital Improvement Fund (CIF) for the following equipment:

Mule 4 X 4	\$11,000.00
Kubota Utility Vehicle	\$12,500.00
Toro Groundmaster Mower	\$22,600.00

This Ordinance shall take effect immediately upon final adoption and publication in accordance with law.

On call of the roll the following vote was cast:

**AYE:** Gunning, Silacci, Simpson, Suriano, Sweeney

**NAY:** None

**ABSENT:** Muller

**ABSTAINED:** None

The Hearing Date was set for December 10, 2013 at 7:30 P.M.

**REPORTS OF BOROUGH OFFICERS FOR THE MONTH OF:**

**CHIEF OF POLICE:** October report has been filed with the Borough Clerk.

**CONSTRUCTION OFFICIAL:** October report has been filed with the Borough Clerk.

**ZONING OFFICIAL:** October report has been filed with the Borough Clerk.

**PUBLIC WORKS/SANITARY SEWER:** No report has been filed with the Borough Clerk.

**FIRE CHIEF:** No report has been filed with the Borough Clerk.

**COURT:** October report has been filed with the Borough Clerk.

**LIBRARY ADVISORY BOARD:** No report has been filed with the Borough Clerk.

**TAX COLLECTOR/CFO:** No report has been filed with the Borough Clerk.

**BOARD OF HEALTH:** October reports have been filed with the Borough Clerk.

**LAND USE BOARD:** No minutes have been filed with the Borough Clerk.

**HISTORICAL PRESERVATION COMMISSION:** August 26<sup>th</sup> minutes have not been filed with the Borough Clerk.

**ENVIRONMENTAL COMMISSION:** Minutes have not been filed with the Borough Clerk.

**GREEN TEAM ADVISORY COMMITTEE:** No minutes have been filed with the Borough Clerk.

**SHADE TREE COMMISSION:** No minutes have been filed with the Borough Clerk.

**OFFICE OF EMERGENCY MANAGEMENT:** No report has been filed with the Borough Clerk.

**RECREATION COMMISSION:** October 10<sup>th</sup> minutes have been filed with the Borough Clerk.

**OPEN SPACE COMMITTEE:** March 18<sup>th</sup>, April 15<sup>th</sup>, May 20<sup>th</sup>, June 6<sup>th</sup>, June 17<sup>th</sup>, July 15<sup>th</sup> September 16<sup>th</sup> and October 21<sup>st</sup> minutes have been filed with the Borough Clerk.

**FARMLAND PRESERVATION AND AGRICULTURAL COMMITTEE:** No minutes have been filed with the Borough Clerk.

**REPORTS OF COMMITTEES:**

**FINANCE:** (Sweeney/Muller)

Cm. Sweeney advised that the next budget meeting is scheduled for December 14<sup>th</sup> at 8:30 a.m.; at this time the capital budget will be discussed.

Cm. Sweeney added that the members of the Borough Council and the Mayor have received the forms to review Borough Administrator/Clerk Collins. The completed review forms should be returned to the HR Chair for compilation prior to the next Borough Council meeting.

**SANITATION/SEWER:** (Muller/Sweeney)

Cm. Sweeney reported that Cm. Muller was at a STAB meeting last week. The true-up of the capital account shows that the Borough owes \$848.18 in order to maintain the agreed-upon \$50,000 balance. Cm. Sweeney recommended that a copy of the STAB budget be provided to the Borough Council prior to the reorganization meeting so that the Council has an opportunity to review it prior to approving the budget at that meeting. At the STAB meeting, the purchase of a backup pump at a cost of \$10,000 was discussed, as well as the possibility of replacing the roof which is currently leaking. A discussion ensued, and it was agreed that the STAB agreement should be reviewed to determine whether the members of STAB have a responsibility for the roof replacement.

Cm. Sweeney advised that the excess liability policy expires on November 29. Two quotes were received: one with the current insurance carrier, Glatfelter, at a cost of \$21,727; one with Statewide at a cost of \$16,027. The Borough would be responsible for 53% of the cost of the premium. The Glatfelter policy has been determined to be more comprehensive by Hurley Insurance, the Risk Manager. The other two municipalities participating in STAB, Far Hills and Bedminster, have already voted to continue with the

Glatfelter policy. A discussion ensued. Cm. Sweeney moved, Cm. Simpson seconded to switch to Selective Insurance.

On call of the roll the following vote was cast:

**AYE:** Gunning, Simpson, Suriano, Sweeney

**NAY:** Silacci

**ABSENT:** Muller

**ABSTAINED:** None

Mayor and Council discussed the lateness of the notification of the expiration of the insurance policy.

**BOROUGH PROPERTY:** (Gunning/Simpson)

Cm. Gunning reported that the Recreation Committee had filed an application for the use of the municipal facilities for activities in conjunction with the Christmas parade.

Mayor Horton advised he had been contacted by Max Spann Jr. of Max Spann Real Estate and Auction, and that Mr. Spann had expressed an interest in auctioning the Komline house. Mr. Spann has considerable experience in auctioning these types of properties. The purchaser would pay the commission on the sale. Mayor Horton provided Cm. Gunning with Mr. Spann’s contact information.

Cm. Simpson advised that residents would like to place luminaries around the Liberty Park Pond on the evening of the Christmas parade. The Fire Official has provided a permit for them to do so. Borough Administrator Collins will contact the Borough’s Risk Manager to ensure that there are no liability concerns. Borough resident Heather Santoro confirmed that she will be purchasing the luminaries and that there will be no cost to the Borough. Council consented to the luminary placement, subject to approval by insurance.

**POLICE:** (Silacci/Suriano)

**BOROUGH OF PEAPACK AND GLADSTONE**

**RESOLUTION NO. 111-13**

**WHEREAS,** the Peapack and Gladstone Santa Visit is being held on Sunday, December 8, 2013 (with a snow date of December 15<sup>th</sup>) between 5:15 P.M. and the conclusion of the procession.

**WHEREAS,** the Recreation Director, Diane Becker, has requested that Main Street/Mendham Road from Jackson Avenue to and including St. Luke’s Avenue, be closed during this time period for the safety of those attending.



**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that the above cited locations are hereby authorized to be closed to vehicular traffic between the hours of 5:15 P.M. and the conclusion of the procession.

**BE IT FURTHER RESOLVED** that appropriate barriers shall be erected by the Road Department.

This Resolution was tabled, as previously discussed.

**BOROUGH OF PEAPACK AND GLADSTONE  
RESOLUTION NO. 114-13**

**WHEREAS**, application has been received from:

**St. Elizabeth-St. Brigid Church**

with the required fee of: **\$100.00** for a special permit liquor license for a social affair to be held on **December 7, 2013**, at the premises of: **St Elizabeth’s Church, 129 Main Street, Peapack, NJ** and approval of the Governing Body is necessary before said permit can be issued by the Division of Alcoholic Beverage Control.

**BE IT RESOLVED** by the Mayor and Council of the Borough of Peapack and Gladstone, County of Somerset and State of New Jersey, that the license issuing authority of this municipality has no objection to the granting of a special permit herein applied for and consents thereto and further certifies that the issuance of said permit is not contrary to any local ordinance, resolution, regulation or policy which would prohibit same and further certifies that not more than twenty-five special permits have been authorized for these premises during the calendar year.

This Resolution was introduced and moved for adoption by Cw. Silacci, 2nd by Cm. Simpson:

On call of the roll the following vote was cast:

**AYE:** Gunning, Silacci, Simpson, Suriano  
**NAY:** None                      **ABSENT:** Muller                      **ABSTAINED:** Sweeney

**BOROUGH OF PEAPACK AND GLADSTONE  
RESOLUTION NO. 115-13**

**WHEREAS**, the Borough of Peapack and Gladstone and the New Jersey Policeman’s Benevolent Association, Local 139, have carried on collective bargaining for the purpose of developing a contract covering wages, hours of work and other conditions of employment relating to our local Police Department; and

**WHEREAS**, the PBA Local 139 negotiators have agreed to the terms and conditions of the proposed contract and have represented that a majority of the officers have agreed to said terms.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Peapack and Gladstone that the Mayor and Borough Council are hereby authorized to execute the contract on behalf of the Borough of Peapack and Gladstone after said contract has been executed by PBA Local 139.

**BE IT FURTHER RESOLVED** that the contract shall be for the period of January 1, 2014, through December 31, 2017.

Cm. Silacci advised that this resolution would be tabled until December 10.

**BOROUGH OF PEAPACK AND GLADSTONE**  
**RESOLUTION NO. 113-13**

**SUPPORTING THE 2013 DRIVE SOBER OR GET PULLED OVER YEAR END  
HOLIDAY CRACKDOWN**

**WHEREAS**, impaired drivers on the nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

**WHEREAS**, 19% of motor vehicle fatalities in New Jersey in 2012 were alcohol-related; and

**WHEREAS**, an enforcement crackdown is planned to combat impaired driving; and

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the 2013 Drive Sober or Get Pulled Over Year End Holiday Crackdown; and

**WHEREAS**, the project will involve increased impaired driving enforcement from December 6, 2013 through January 2, 2014; and

**WHEREAS**, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Peapack and Gladstone declares support for the 2013 Drive Sober or Get Pulled Over Year End Holiday Crackdown from December 6, 2013 through January 2, 2014 and pledges to increase awareness of the dangers of drinking and driving.

This Resolution was introduced and moved for adoption by Cw. Silacci, 2nd by Cm. Sweeney:

On call of the roll the following vote was cast:

**AYE:** Gunning, Silacci, Simpson, Suriano, Sweeney

**NAY:** None

**ABSENT:** Muller

**ABSTAINED:** None

**BOROUGH OF PEAPACK AND GLADSTONE  
RESOLUTION NO. 117-13**

**RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF  
REVENUE IN THE 2013 BUDGET PURSUANT TO N.J.S.A. 40A:4-87  
(CHAPTER 159, P.L. 1948)**

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Peapack and Gladstone, County of Somerset, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2013 in the sum of Four Thousand Four Hundred Dollars and zero cents (\$4,400.00) which items are now available as a revenue from

2013 Drive Sober or Get Pulled Over Year End Holiday Crackdown Grant  
\$4,400.00

**BE IT FURTHER RESOLVED** that one certified copy of this Resolution together with a certification from the Borough Treasurer that funds will be made available through a reimbursable Grant from the State of New Jersey SAGE system is filed with the Director of the Division of Local Government Services.

This Resolution was introduced and moved for adoption by Cw. Silacci, 2nd by Cm. Sweeney:

On call of the roll the following vote was cast:

**AYE:** Gunning, Silacci, Simpson, Suriano, Sweeney

**NAY:** None

**ABSENT:** Muller

**ABSTAINED:** None

**MISCELLANEOUS COUNCIL BUSINESS:**

**Scheduling of Second December Borough Council Meeting.**

It was agreed that the Borough Council meeting would be scheduled for December 19<sup>th</sup> at 6:30 p.m.

**“Buy Local Campaign” Promulgated by Somerset County Agricultural Board.**

Mayor Horton and Council reviewed the details of this campaign. Council concurred to support this program.

**Scheduling of 2014 Reorganization Meeting.**

It was agreed that the Reorganization meeting would be scheduled for 6:30 p.m. on January 2, 2014.

**PUBLIC COMMENTS:**

Heather Santoro, Mendham Road, asked if there has been any movement forward on the tennis courts. Mayor Horton responded that nothing has happened since it was last discussed. Cm. Simpson stated that the Borough Engineer needs to re-do the plans for the courts as they were not situated correctly; Mayor Horton added that the plans are currently with Recreation and that the Council is currently waiting on Recreation’s consensus as to where the courts should be located. A discussion ensued.

Ms. Santoro asked if the Mayor and Council had discussed the possibility of the town using Komline House. Mayor Horton responded that it has been discussed, but no viable use has been discovered. Cm. Sweeney advised that maintenance of the building could cost as much as \$50,000 per year. The sale of the property would help the Borough repay the debt incurred for the purchase of the Komline property. In response to a question from Cm. Suriano, Ms. Santoro stated that a possible use of the house would be for recreation, as 7<sup>th</sup> to 10<sup>th</sup> graders are underserved by current recreation programs. Cm. Sweeney stated that the cost versus the benefit should be considered. A discussion ensued, in which Recreation was encouraged to come forward with a proposal for the use of Komline house.

It was agreed to discuss the proposal for the development of recreation facilities at the December 14 budget meeting, as a capital project.

**Green Light Approval Received from the State Agricultural Development Committee for Bluebird Farm.**

Cm. Suriano questioned why the Borough Council should authorize the expenditure of funds for the appraisal of Bluebird Farm at this time, and asked whether the project

should be first reviewed by OSAC. A discussion ensued regarding the approval process and whether federal funding should be sought prior to moving forward with the appraisals which are part of the state funding application. The protocol developed for the advisory committees was discussed. It was agreed that Sandy Uργο of the Land Conservancy would be invited to the January 14 Borough Council meeting to make the presentation originally scheduled for this evening, and that OSAC would be advised of the presentation.

**AUDITING OF CLAIMS:**

A motion by Cm. Sweeney, 2nd by Cw. Silacci, that the payment of Interim Claims be approved and that all vouchers submitted this date, as per voucher list, be paid after proper audit, was passed on unanimous roll call vote.

On call of the roll the following vote was cast:

**AYE:** Gunning, Silacci, Simpson, Suriano, Sweeney

**NAY:** None

**ABSENT:** Muller

**ABSTAINED:** None

Having no further business to come before them, the meeting of the Borough Council was adjourned at 9:57 P.M. on a motion duly made by Cw. Silacci and 2<sup>nd</sup> by Cm. Gunning.

APPROVED:

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ROBIN COLLINS  
BOROUGH CLERK

WILLIAM H. HORTON  
MAYOR