



**MAYOR & COUNCIL  
THE BOROUGH OF PEAPACK & GLADSTONE  
BOROUGH COUNCIL MEETING MINUTES  
OCTOBER 23, 2018**

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The regular meeting of the Mayor and Council of the Borough of Peapack & Gladstone was held on Tuesday, October 23, 2018 at the Municipal Complex, 1 School Street, Peapack, New Jersey and began at 7:05 p.m.

Mayor Muller called the meeting to order. Borough Clerk Nancy A. Bretzger read the Sunshine Notice "Pursuant to the Open Public Meetings Act, Adequate notice of 2018 Meeting Dates was published in the Courier News and Bernardsville News on December 28, 2017, and posted at the Municipal Complex and the Borough Library. Action may be taken."

Mayor Muller led the Pledge of Allegiance.

Roll Call indicated the following present: Mayor Muller, Councilman Caminiti, Council President Corigliano, Councilwoman Dietrich, Councilman Lemma

Not present: Councilman Simpson, Councilman Smith

Also present were: Christopher Tietjen, Assistant Administrator, Mr. John Bruder, Esq., Borough Attorney and Nancy A. Bretzger, Borough Clerk

**EXECUTIVE SESSION**

**Resolution No. 189-18** – Authorization for Executive Session for Certified Specified Purposes – Litigation – Oster v. Borough of Peapack & Gladstone was read. Motion was made by Councilman Caminiti, seconded by Councilwoman Dietrich. Said motion was carried unanimously.

Public Meeting reconvened at 7:33 p.m.

**PUBLIC COMMENTS – 5 MINUTES PER PERSON – NON-AGENDA ITEMS**

Mayor Muller asked if any member of the public wish to speak about non-agenda items.

Peg McFarland – 50 Mendham Road – Ms. McFarland asked about the property maintenance ordinance. She disagrees with the decision to not make any changes to the language of the ordinance, specifically about the wording concerning vegetative overgrowth. The Mayor explained that he met with the Zoning Officer, Ms. Noll, and that she believed that there was no need for a change in the wording of the ordinance. The ordinance has been in effect for approximately one year and the plan was to assess it after this time period. Council discussed that Ms. Noll and councilmembers need to look at any concerns with the wording in the ordinance.

Ms. McFarland stated that her understanding was that the issue had been resolved at the level of the zoning committee, council, and town personnel and that no language changes were necessary now. Reasons given were that there's a new employee, better training and that this won't happen again. She does not agree with this finding and wants this to be part of public record. She also takes issue with how the process had worked. She believes that as far as anyone in the public knows, nothing has been done



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---



since June. She came to the October meeting and expected a report as a matter that is raised in public should be resolved in public. She stated this is not transparency in government.

Ms. McFarland continued that she would like there to be ongoing public reporting from zoning regarding this ordinance at meetings. She had met with Ms. Noll and the Mayor and expected that the proposals from that meeting would be forwarded to Council. The Council has not seen these. She apologized if she misunderstood what was said to her and is happy that the issue is still open for consideration and requests that it's open for public comment when it's discussed. Mr. Tietjen said that he will speak with Ms. Noll and see where she stands with the proposed changes.

### MINUTES

Mayor Muller asked if there was a motion and second to accept the Regular Meeting minutes of September 25, 2018. Councilman Caminiti motioned to accept the minutes, seconded by Councilwoman Dietrich. Said motion was passed unanimously.

### ORDINANCES

Mayor Muller introduced **Ordinance 1064-2018** – An Ordinance to Amend and Supplement Chapter XXIII, Article IX, Titled “Affordable Housing”. Council President Corigliano moved to pass the Ordinance at first reading, seconded by Councilman Caminiti.

Council President Corigliano explained that all three of these ordinances address our compliance with the FSHA agreement. He has asked Roger Thomas and John Bruder to review these, and they need to go to the Land Use Board also. Councilman Caminiti brought up a modification in Ordinance 1066 where the group homes have ten bedrooms. He asked if the wording could be more specific to state ten beds instead. Mr. Bruder noted that the ordinance can be addressed when it's introduced.

Said motion was carried unanimously. Mayor Muller stated that Ordinance 1064-2018 is introduced and shall be published in summary in the Bernardsville News and the Public Hearing for said Ordinance shall be held on November 20, 2018 at 7:30 p.m. or shortly thereafter.

The Mayor stated that this is the first reading it will be posted on the website and available at the Borough Clerk's office.

Mayor Muller introduced **Ordinance 1065-2018** – An Ordinance to Amend and Supplement Chapter XXIII, Article IV, Titled “Land Development Ordinance” of the Revised General Ordinances of the Borough of Peapack and Gladstone Creating an Affordable Housing Zone within the Borough. Council President Corigliano moved to pass the Ordinance at first reading, seconded by Councilman Caminiti.

Ordinance 1065 allows the construction of housing on specified lots that has an affordable housing component.

Said motion was carried unanimously. Mayor Muller stated that Ordinance 1065-2018 is introduced and shall be published in summary in the Bernardsville News and the Public Hearing for said Ordinance shall be held on November 20, 2018 at 7:30 p.m. or shortly thereafter.



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The Mayor stated that this is the first reading it will be posted on the website and available at the Borough Clerk's office.

Mayor Muller introduced **Ordinance 1066-2018** – An Ordinance to Amend and Supplement Chapter XXIII, Article IV, Titled "Land Development Ordinance" of the Revised General Ordinances of the Borough of Peapack and Gladstone to Permit Group Homes within a Permitted Residential Health Care Facility in the RE, Rural Estate Zone.

Council President Corigliano made another motion to introduce Ordinance 1066-2018 modified as follows. Section one, item nine shall be reworded to read: Group homes reserved solely for occupancy for patient residents receiving educational and health care services at the facility not to exceed a total of ten beds with no more than five beds per home contained in no more than two free standing buildings within the facility campus subject to schedule I, table of height, area and other requirements. Council President Corigliano moved to pass the Ordinance at first reading, seconded by Councilman Caminiti. Said motion was carried unanimously. Mayor Muller stated that Ordinance 1066-2018 is introduced and shall be published in summary in the Bernardsville News and the Public Hearing for said Ordinance shall be held on November 20, 2018 at 7:30 p.m. or shortly thereafter.

The Mayor stated that this is the first reading it will be posted on the website and available at the Borough Clerk's office.

#### **OLD BUSINESS**

Mayor Muller reminded everyone that the next Council meeting will be on Tuesday, November 20, 2018 at 7:30 p.m. The meeting scheduled for November 13, 2018 has been cancelled.

#### **NEW BUSINESS**

There is no new business at this time.

#### **MISCELLANEOUS DISCUSSION/APPROVALS**

Raffle License Application No. 04-2018 for St. Luke's Church for an Off Premise Raffle to be held at St. Luke's Church on December 9, 2018. Ms. Bretzger requested a consensus from the Council to allow the raffle to take place in Peapack & Gladstone. The Council agreed for the application to go forward.

Facilities Usage Application from Michael Ondrejko, Legends Hospitality, LLC for use of the Gymnasium for Pick up Basketball games on Wednesday, October 24 and Thursday, October 25, 2018 from 6:30 a.m. – 8:00 a.m. Council discussed the that the form and the conditions should be reviewed in order to be consistent with who is allowed to use Borough facilities. Ms. Bretzger requested a consensus from the Council. Councilman Lemma voted no but the Council had consensus to move forward.

#### **RESOLUTIONS**

Mayor Muller asked if **Resolutions 190-18, 191-18, 192-18 and 193-18** could be considered as a consent agenda. Motion to approve these was made by Councilman Lemma, seconded by Councilwoman Dietrich. Said motion was passed unanimously.



**MAYOR & COUNCIL  
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OCTOBER 23, 2018**

---



**Resolution No. 190-18** Resolution Accepting a Resignation Letter from Daniel Hart, DPW Worker.

**Resolution No. 191-18** Resolution Appointing Peter George as Assistant to the Finance Officer for the Borough of Peapack & Gladstone.

**Resolution No. 192-18** Resolution Approving the 2018 Curbside Leaf Collection for Pick-Up on Monday, November 19, 2018 and Monday, December 17, 2018.

**Resolution No. 193-18** Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for Highland Avenue Resurfacing Project (MA-2019-Highland Avenue Resurfacing – 00417).

**BILLS LIST**

**Resolution No. 194-18** Approval of Bills as signed and listed on the Bill Payment List in the amount of \$870,609.23 minus the three items that are being pulled (see below). Council discussed several bills including three purchase orders for Happy Rockers. They noted that the Recreation Commission needs to sign off on the expenses that are paid from the trust, and therefore three items are being pulled. Specifically, Hunter Hills Playhouse at \$1315.79, Lena Calabrese at \$60.00, and Lakeland Bus Lines at \$195.00. Motion to approve these was made by Council President Corigliano, seconded by Councilwoman Dietrich. Said motion was passed unanimously.

**COUNCIL REPORTS**

Finance – Council President Corigliano stated that he is pleased to report that through John Bruder's diligence we have a settlement to complete Rockabye Valley. Part of the agreement is that they will be here to pave this year. The roads will be turned over to the Borough when approved by the Borough Engineer. A couple of items that are not part of the bond still need to be completed. Curbing is one item that was quoted \$8800 the price is now \$6900. Part of the settlement was that the Borough held approximately \$30,000 as a cash portion of the performance bond.

Council President Corigliano is going to make **Resolution 195-18** to authorize the expenditure of \$6,900 to Stilo Construction Company for paving and curbing in Rockabye Valley. Motion to approve these was made by Council President Corigliano, seconded by Councilman Lemma.

Council discussed Rockabye Valley. The HOA will be responsible for the drainage and maintenance of the vegetation. The retention basins have filters that need to be maintained and Mr. Bruder confirmed that the HOA has that obligation but he needs to check their reporting requirements. The HOA would like to have a meeting with the Borough to discuss their responsibilities.

Said motion was passed unanimously.

Council President Corigliano stated that the expenditure will be paid out of the cash bond and we will disburse part of the cash bond and pay the Borough for snow plowing over the last few years.

He stated that there is an agreement in principle to settle the Gill St. Bernard's litigation, pending receipt of the final document. Mr. Bruder will bring the final agreement to the next Council meeting.



**MAYOR & COUNCIL  
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OCTOBER 23, 2018**



He read in the newspaper that Far Hills has settled their affordable housing obligation at 65. Our settlement is 104. If you look at the percentage of the population our settlement obligation is approximately half of that of Far Hills.

He noted that Council was issued Recreation Committee meeting minutes for a meeting that took place before Art in the Park and the drive-in movie events. He sees no voting for the expenditures for those events. He brings this up so that Mr. Bruder can take note because he is investigating this matter. The Mayor noted that the meeting was chaired by the Recreation Director instead of a Commissioner.

Sanitation & Sewer – Councilwoman Dietrich spoke with Scott and noted that we are waiting on the pump for Miller Lane. There is a meeting on Thursday for the STAB where they will discuss changes to the agreement. Council discussed that capital projects need to get done and that fees for next year need to be considered.

Borough Property – Councilman Caminiti stated that the NJDEP sent notification that we have a permit for a pedestrian bridge in Rockabye Meadow Park. We need to coordinate with the engineering team about costs and construction management and they can start looking into grants. This is good news.

He spoke with Carter van Dyke about the meeting in December.

He will have numbers in hand for roofing repair and solar proposal at November meeting.

He plans to get a status of repairs to the fire house. He also needs an update on the five-ton rescue vehicle. Mr. Tietjen said that the five-ton wouldn't start so someone attempted to use the brush truck to tow it which caused the brush truck's transmission to fail. Council is going to ask Councilman Simpson, the Fire Chair, if he was informed of this.

Fire – Councilman Lemma stated that the Fire Department had their open house and it was a success although the weather wasn't great so it wasn't as well attended as in the past.

Police & Information Systems – Council President Corigliano stated that he had an issue at his house with his alarm and was happy to see the new officer Matt Kelly respond. Mayor Muller noted that his neighbors called for emergency help and the responders included a Far Hills policeman who did his job effectively as part of mutual aid. Councilman Lemma stated that we will budget for a new police car for 2019 but will wait and see if it's needed.

Roads & Transportation – Councilwoman Dietrich reported that she has been working with the Officer in Charge and Scott Hanna regarding the parking situation by CocoLuxe. She said that they've done some measuring and according to a current ordinance parking is allowed in front of Robb Francis and not allowed between CocoLuxe and the post office. Councilwoman Dietrich needs Council to look at this. There was discussion about revising the ordinance. Mayor Muller asked if it would be appropriate to mark parking spots on Willow Ave.

Councilwoman Dietrich discussed getting the County Traffic Engineer's contact information finally. Council discussed that the County has not responded in over two years concerning traffic on Rt. 206. Mr. Tietjen noted that Mosle Rd. has been approved, there is a pre-construction meeting for resurfacing Willow Ave., and one of the resolutions this evening was for work on Highland Ave.



**MAYOR & COUNCIL  
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OCTOBER 23, 2018**



Zoning & Construction - Mayor Muller stated that based on Ms. McFarland's speaking earlier we will look at the potential for rewording the ordinance.

Councilman Caminiti asked Mr. Tietjen to check with Frank LaGuarina regarding the Delta gas station at the bottom of Pottersville Rd. and the lack of silt fencing, which he thinks would be needed.

Legal – Mr. Bruder stated that he has nothing to report at this time other than what Council President Corigliano brought up earlier.

Administrator's Report – Mr. Tietjen stated that departmental and committee budgets are due this Friday. He noted that as already mentioned there is a Willow Ave. pre-construction meeting on October 31st. He stated that an ad for the vacancy in public works has been posted.

Mayor's Report – Mayor Muller stated that he would like to expand on the subject of the pedestrian bridge over Rockabye Meadow Brook. He noted that the bridge will allow the trails to make a complete circle and that this is a shovel ready project. He said that when the municipality gets title to the former County DPW property on Highland Ave. there will be the opportunity to further connect the trails system with another bridge over the brook. He thanked the Environmental Commission.

**PUBLIC COMMENTS – 3 MINUTES PER PERSON – AGENDA ITEMS ONLY**

Peg McFarland - 50 Mendham Road – Ms. McFarland asked about the overlay zone in the village neighborhood that was brought up earlier. Council President Corigliano said that as part of our affordable housing settlement we have ten available credits for accessory apartments. If someone has an apartment on their property and they wanted assistance in renovating it, the borough would give a \$10,000 contribution if they made it an affordable unit for a 30-year period.

**Executive Session**

Mayor Muller stated that there was no need to go back into Executive Session at this time.

There being no other matters to be addressed by the Governing Body at this time, a motion was made by Council President Corigliano, seconded by Councilman Lemma, that this meeting be adjourned at 9:17 p.m. This motion was carried unanimously.

Respectfully Submitted,

Nancy A. Bretzger, Borough Clerk